

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FOURTH DAY — TUESDAY, MAY 2, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 269).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Talton.

The invocation was offered by Reverend Bob Hairston, Calvary Baptist Church, Rosenberg.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Talton on motion of Shields.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:

HB 947, HCR 2, HCR 24, HCR 105, HCR 117, HCR 180, HCR 183, SB 128, SB 323, SB 450, SB 561, SB 606, SB 773, SB 792, SB 855, SB 1028, SCR 109, SCR 129

(Speaker pro tempore in the chair)

CAPITOL PHYSICIAN

The speaker pro tempore presented Dr. Robert Matthews of Eastland as the "Doctor for the Day."

The house welcomed Dr. Matthews and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 746 - ADOPTED

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 746**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Price,

HR 746, Honoring Sterling Pruitt.

The resolution was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 746** as signers thereof.

HR 748 - ADOPTED

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 748**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Gutierrez,

HR 748, Honoring Project ARISE.

The resolution was adopted without objection.

HR 749 - ADOPTED

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 749**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Gutierrez,

HR 749, Honoring the Border Association for Refugees from Central America (BARCA).

The resolution was adopted without objection.

HR 750 - ADOPTED

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 750**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Gutierrez,

HR 750, Honoring Planned Parenthood of Hidalgo County.

The resolution was adopted without objection.

HR 770 - ADOPTED

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 770**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Naishtat,

HR 770, Recognizing May 2, 1995, as Prader-Willi Syndrome Awareness Day.

The resolution was adopted without objection.

HR 771 - ADOPTED

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 771**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Naishtat,

HR 771, In memory of Sandra Fay Strahan Perry.

The resolution was unanimously adopted by a rising vote.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Jackson,

HCR 188, Rejecting NASA contentions regarding the Johnson Space Center and memorializing congress to countermand the NASA proposal to consolidate and downsize the operations of the center.

To Committee on Economic Development.

By Hernandez,

HR 742, In memory of San Antonio Independent School District police sergeant William Maldonado III.

To Committee on Rules and Resolutions.

By Farrar,

HR 745, Honoring the Greater Houston Preservation Alliance.

To Committee on Rules and Resolutions.

By Moffat,

HR 747, Congratulating W. D. "Ted" Willhoite on being named Grapevine's Citizen of the Year for 1994.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 751, Commending Pharr Elementary School for participating in the Mentor School Network.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 752, Commending Carnahan Elementary School for participating in the Mentor School Network.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 753, Commending Napper Elementary School for participating in the Mentor School Network.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 754, Honoring Jack A. Whetsel.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 755, Honoring the Hidalgo High School Lady Pirates basketball team.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 756, Honoring the McAllen Rowe High School boys' basketball team.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 757, Congratulating Juan R. Garcia, Jr., on his promotion to the rank of captain in the U.S. Army.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 758, In memory of Arnolando Ramirez, Sr.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 759, Honoring former mayor A. C. Jaime for his contributions to the city of Pharr.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 760, Honoring Mayor Victor Garcia for his contributions to the city of Pharr.

To Committee on Rules and Resolutions.

By Gutierrez,

HR 761, Honoring Fidencio R. Barrera for service to his community.

To Committee on Rules and Resolutions.

By Hilbert,

HR 762, In memory of Special Agent Kelly E. Harris.

To Committee on Rules and Resolutions.

By Pitts,

HR 763, Honoring Viola Rodgers.

To Committee on Rules and Resolutions.

By Pitts,

HR 764, Honoring the First Baptist Church of Ennis.

To Committee on Rules and Resolutions.

By Pitts,

HR 765, Congratulating the students in Whitney High School's German class on their achievement in the Texas State German Contest.

To Committee on Rules and Resolutions.

By Pitts,

HR 766, Commemorating the dedication of a historical marker honoring Mt. Calm Methodist Church.

To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 405 to Committee on Public Education.

SB 590 to Committee on Agriculture and Livestock.

SB 626 to Committee on Natural Resources.

SB 784 to Committee on Licensing and Administrative Procedures.

SB 804 to Committee on Financial Institutions.

SB 833 to Committee on Ways and Means.

SB 913 to Committee on Civil Practices.

SB 978 to Committee on State Affairs.

SB 1044 to Committee on Licensing and Administrative Procedures.

SB 1136 to Committee on Ways and Means.

SB 1161 to Committee on Public Health.

SB 1190 to Committee on Public Health.

SB 1226 to Committee on Human Services.

SB 1228 to Committee on Higher Education.

SB 1317 to Committee on State Recreational Resources.

SB 1387 to Committee on Ways and Means.

SB 1391 to Committee on Licensing and Administrative Procedures.

SB 1544 to Committee on Insurance.

SB 1671 to Committee on Urban Affairs.

RESOLUTION REFERRED TO COMMITTEE

The following resolution was laid before the house and referred to committee:

SCR 136, Designating the week of each year that begins with Father's Day as Texas Prostate Cancer Awareness Week.

To Committee on Public Health.

(Speaker in the chair)

HR 772 - ADOPTED

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 772**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kamel,

HR 772, Honoring PATH.

The resolution was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 2, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 189 by Laney and Craddick, in memory of Harold B. Welch.

HB 815 by Goolsby, et al. (Sponsor-Cain), relating to certain fees charged by certain public institutions of higher education (committee substitute and amended).

HB 1792 by Junell (Sponsor-Bivins), relating to tuition, fees, and other charges at public institutions of higher education (committee substitute and amended).

Local and Uncontested Bills

HB 921 by Uher (Sponsor-Patterson, Jerry), relating to approval of bonds issued by a conservation and reclamation district.

HB 1264 by Dear (Sponsor-Armbrister), relating to service required under the Teacher Retirement System of Texas in certain circumstances to qualify for group insurance coverage.

SCR 80 by Armbrister, et al., encouraging and urging the Congress to adopt legislation facilitating acquisition of the Bureau of Reclamation interests.

SCR 89 by Sims and Haywood, directing the Texas Department of Transportation to repair and maintain in a safe condition for highway traffic the suspension bridges in Shackelford, Mills, and San Saba counties.

SB 442 by Sims and Armbrister, relating to appointment and duties of agents and special agents of the Texas Alcoholic Beverage Commission.

SB 526 by Lucio, relating to certain business practices used in the collection of copyright royalties; providing penalties.

SB 553 by Nelson, relating to a discount on motor vehicle insurance premiums for certain students based on academic achievement.

SB 659 by Madla, relating to the ability of a pharmacist to perform a specific act delegated to the pharmacist by a written order or protocol.

SB 813 by Henderson, relating to the exemption of certain peace officers from the requirements of the Private Investigators and Private Security Agencies Act.

SB 828 by Armbrister, relating to investigations of criminal conduct in connection with an election under the Election Code.

SB 954 by Barrientos, relating to noise abatement requirements of certain municipal airports.

SB 988 by Sibley, relating to state employee donations to sick leave pools.

SB 993 by Barrientos, et al., relating to a change in the use by the City of Austin of certain real property currently designated for a public purpose.

SB 1291 by Madla, relating to the practice of perfusion.

SB 1302 by Cain, relating to the regulation of physician assistants; providing a criminal penalty.

SB 1426 by Brown, relating to security devices in certain rental dwellings; and declaring an emergency.

SB 1504 by Montford, relating to failure to appear on a complaint, citation, or court order to pay a fine for a violation of a traffic law.

SB 1628 by Henderson, relating to service and rates of a gas utility.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for the appointment of a Conference Committee to adjust the differences between the two Houses on **HB 327**.

The following have been appointed on the part of the Senate: Senator Harris, Chair, Senator Madla, Senator West, Senator Brown, and Senator Montford.

Respectfully,
Betty King
Secretary of the Senate

HB 2304 - RECOMMITTED

Representative Hochberg moved to recommit **HB 2304** to the Committee on State Affairs.

The motion prevailed without objection.

MOTION TO SET LOCAL AND CONSENT BILLS AND RESOLUTIONS CALENDARS

Representative Rodriguez moved to set local and consent bills and resolutions calendars for 10 a.m. Saturday, May 6.

The motion was withdrawn.

HCR 191 - ADOPTED

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HCR 191**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kubiak,

HCR 191, Recognizing May 3, 1995, as Washington County Day.

The resolution was adopted without objection.

On motion of Representative Berlanga, the names of all the members of the house were added to **HCR 191** as signers thereof.

RULE SUSPENDED

Representative Berlanga moved to suspend Rule 4, Section 18, of the House Rules so that the minutes on **SB 10, SB 600, SB 601, SB 602, SB 604,** and **SB 605** may be turned in Tuesday, May 2.

The motion prevailed without objection.

SB 548 ON SECOND READING

(S. Turner - House Sponsor)

The speaker laid before the house, in lieu of **HB 897**, on its second reading and passage to third reading,

SB 548, A bill to be entitled An Act relating to the regulation of podiatry.

The bill was read second time and was passed to third reading.

HB 897 - LAID ON THE TABLE SUBJECT TO CALL

Representative S. Turner moved to lay **HB 897** on the table subject to call.

The motion prevailed without objection.

HB 1899 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment,

HB 1899, A bill to be entitled An Act relating to a deferred retirement option plan for members of retirement systems for police officers in certain municipalities.

HB 1899 was read second time on April 19, postponed until April 25, and was again postponed until 10 a.m. today.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Johnson, Representative S. Turner offered the following committee amendment to the bill:

Amend **HB 1899**, Page 3, by striking Subsection (g), Lines 9-15 and adding a new Subsection (g) reading as follows:

(g) If an unanticipated actuarial cost occurs, the Board of Trustees Shall have the authority to take such action necessary to mitigate the unanticipated cost including, but not limited to, not accepting additional elections to participate in the DROP, but the pension system shall continue to administer the plan for the members heretofore participating.

Amendment No. 1 was adopted without objection.

HB 1899, as amended, was passed to engrossment.

HB 1479 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment,

HB 1479, A bill to be entitled An Act relating to tuition and fee exemptions at public institutions of higher education for certain students.

HB 1479 was read second time on April 27 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Hochberg offered the following amendment to the bill:

Amend **HB 1479** by striking Section 54.214, Education Code, as added by SECTION 1 the bill and substituting the following:

Sec. 54.214. FUNDING EXEMPTIONS. An institution of higher education may fund tuition exemptions under Section 54.212 or 54.213 from local funds or from funds appropriated to the institution. An institution of higher education is not required to provide tuition exemptions beyond those funded through appropriations specifically designated for this purpose.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Zbrank offered the following amendment to the bill:

Amend **HB 1479** as follows:

(1) On page 1, strike lines 15 through 19 and substitute the following:

(3) during the student's last year of public high school in this state, the student was a dependent child receiving financial assistance under Chapter 31, Human Resources Code, for not less than six months;

(2) On page 1, line 23, strike "second" and substitute "first".

Amendment No. 2 was adopted without objection.

HB 1479, as amended, was passed to engrossment.

SB 60 ON THIRD READING

(Wilson, Carter, Stiles, and Allen - House Sponsors)

The speaker laid before the house, on its third reading and final passage,

SB 60, A bill to be entitled An Act relating to the issuance of a license to carry a concealed handgun; requiring of an applicant for the license a handgun proficiency and safety training course and a criminal background check; providing penalties.

The bill was read third time and was passed. (Alvarado, Conley, R. Cuellar, Danburg, Davila, J. Jones, Longoria, McDonald, and S. Turner recorded voting no)

SB 1329 ON THIRD READING

(Brimer - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 1329, A bill to be entitled An Act relating to the use of impact fees by a municipality.

A record vote was requested.

The bill was read third time and was passed by (Record 270): 145 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Finnell; Reyna.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Hilderbran.

SB 12 ON THIRD READING **(Bosse - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

SB 12, A bill to be entitled An Act relating to administrative hearings for the Texas Natural Resource Conservation Commission provided by the State Office of Administrative Hearings.

A record vote was requested.

The bill was read third time and was passed by (Record 271): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald;

Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Clemons.

SB 1098 ON THIRD READING
(Berlanga - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 1098, A bill to be entitled An Act relating to consent for the immunization of a minor.

A record vote was requested.

The bill was read third time and was passed by (Record 272): 83 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Coleman; Combs; Conley; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hamric; Harris; Hawley; Hernandez; Hightower; Hirschi; Hochberg; Hudson; Hunter, T.; Janek; Johnson; Jones, J.; King; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCoulskey; McDonald; Moreno; Munoz; Naishtat; Oakley; Ogden; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Sadler; Saunders; Seidlits; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Willis; Wilson; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Cook; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Duncan; Elkins; Finnell; Goodman; Goolsby; Grusendorf; Haggerty; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Jones, D.; Kamel; Krusee; Kuempel; Madden; Marchant; McCall; Moffat; Mowery; Nixon; Park; Patterson; Pitts; Rabuck; Reyna; Rusling; Shields; Siebert; Smithee; Solomons; Staples; Swinford; Turner, B.; Walker; West; Williamson; Wohlgemuth; Woolley; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Clemons; Junell; Oliveira.

SB 872 ON THIRD READING
(Carona - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 872, A bill to be entitled An Act relating to the regulation of retail installment contracts of certain goods and services.

The bill was read third time and was passed.

SB 1229 ON THIRD READING
(Berlanga - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 1229, A bill to be entitled An Act relating to the Maternal and Infant Health Improvement Act and to the development of a perinatal health care system.

The bill was read third time and was passed. (Delisi, Heflin, Horn, B. Hunter, Kamel, Rabuck, Reyna, Shields, and Solomons recorded voting no)

HB 3072 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 3072, A bill to be entitled An Act relating to the use of solid waste fee revenues.

The bill was read third time.

Amendment No. 1

Representative Gallego offered the following amendment to the bill:

Amend **CSHB 3072** (House committee report) on 3rd reading on page 3, line 16, after the period, by adding the following: "A project or service funded under this subsection must promote cooperation between public and private entities and may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services.".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hirschi offered the following amendment to the bill:

Amend **CSHB 3072** on 3rd reading on page 3, line 16, after the period, by adding the following: "Each planning region shall issue a biennial report to the Legislature detailing how the revenue is spent.".

Amendment No. 2 was adopted without objection.

A record vote was requested.

HB 3072, as amended, was passed by (Record 273): 141 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs;

Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nay — Moffat.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Clemons; Hochberg; Junell; Oliveira; Telford; Wilson.

HB 1589 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1589**.

CSHB 1589, A bill to be entitled An Act relating to the provision of workers' compensation benefits for certain state employees and to the creation, powers, and duties of the State Office of Risk Management.

CSHB 1589 was read second time.

Amendment No. 1

Representative Jackson offered the following amendment to **CSHB 1589**:

Amend **CSHB 1589** as follows:

(1) Strike Sections 18 and 21 of the bill and renumber subsequent Sections accordingly;

(2) Strike Sec. 505.015 of Section 22 of the bill and strike the reference to Sec. 505.015 on page 22, line 7.

Amendment No. 1 was adopted without objection.

CSHB 1589, as amended, was passed to engrossment.

HB 1644 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1644, A bill to be entitled An Act relating to the improper disposal of medical waste; creating a criminal penalty.

The bill was read second time.

Amendment No. 1

Representative Hirschi offered the following amendment to the bill:

Amend **HB 1644** as follows:

Amend Section 361.560(3) to read as follows:

(3) "Medical waste" includes animal waste, bulk blood and blood products, microbiological waste, pathological waste, sharps, and special waste from health care related facilities as those terms are defined in 25 TEX. ADMIN. CODE sec. 1.132 (West 1994) (Tex. Dept. of Health, Definition, Treatment, and Disposition of Special Waste from Health Care Related Facilities)." This term does not include medical waste produced on farmland and ranchland as defined in Section 252.001(6), Agricultural Code.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hirschi offered the following amendment to the bill:

Amend **HB 1644** as follows:

On page 4, lines 2-14, strike Subsections (b) and (c) and substitute the following:

"(b) A person who commits an offense under this section shall be subject on conviction to a fine not to exceed \$500 for each act of violation and each day of violation.

(c) If it is shown on the trial of a person that the person has previously been convicted of an offense under this section the offense is punishable by:

(1) a fine not to exceed \$2,000 for each act of violation and each day of violation;

(2) confinement in jail for a term not to exceed 180 days; or

(3) both fine and confinement."

Amendment No. 2 was adopted without objection.

Amendment No. 3 (Committee Amendment No. 1)

On behalf of Representative Dukes, Representative Hirschi offered the following committee amendment to the bill:

Amend **HB 1644** as follows:

(1) On page 1, strike lines 15-18 and substitute the following: "(3) "Medical waste" includes animal waste, bulk blood and blood products, microbiological waste, pathological waste, sharps, and special waste from health care related facilities as those terms are defined in 25 TEX. ADMIN. CODE sec. 1.132 (West 1994) (Tex. Dept. of Health, Definition, Treatment, and Disposition of Special Waste from Health Care Related Facilities)."

(2) Add at the end of line 5, page 6, "knowingly".

(3) On page 6, line 6, between "or" and "permits", insert "knowingly".

(4) On page 6, line 12, between "any" and "label", insert "regulated medical waste".

(5) On page 7, line 13, strike "Subchapter" and substitute "chapter".

Amendment No. 3 was adopted without objection.

HB 1644, as amended, was passed to engrossment.

HB 1013 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1013**.

CSHB 1013, A bill to be entitled An Act relating to the issuance of obligations by the Texas Public Finance Authority.

CSHB 1013 was read second time.

Representative Romo moved to postpone consideration of **CSHB 1013** until 1:00 p.m. today.

The motion prevailed without objection.

HB 1320 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1320, A bill to be entitled An Act relating to unissued general obligation and revenue bonds of the state.

The bill was read second time and was passed to engrossment.

HB 1765 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1765**.

CSHB 1765, A bill to be entitled An Act relating to the regulation of the fitting and dispensing of hearing instruments.

CSHB 1765 was read second time.

Amendment No. 1

Representative King offered the following amendment to **CSHB 1765**:

Amend **CSHB 1765** as follows:

(1) On page 6, line 21, strike "Section 9A(a)" and substitute "Sections 9A(a) and (c)".

(2) On page 6, line 23, strike "is amended" and substitute "are amended".

(3) On page 7, between lines 3 and 4, insert the following:

(c) A hearing instrument dispenser's license shall be issued to an apprentice permit holder when the committee has received sufficient evidence that the apprentice permit holder has met all the requirements of this Act for a hearing instrument dispenser's license. [~~Audiologists and audiology interns licensed under Chapter 381, Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes), and its subsequent amendments, are exempt from the provisions of this Act.~~]

(4) On page 11, between lines 2 and 3, insert the following appropriately numbered section:

SECTION _____. Section 19, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.19, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 19. EXCEPTIONS. Nothing in this Act shall be construed to apply to the following:

(1) Persons engaged in the practice of measuring human hearing as a part of the academic curriculum of an accredited institution of higher learning, provided such persons or their employees do not sell hearing aids.

(2) Physicians and surgeons duly licensed by the Texas State Board of Medical Examiners and qualified to practice in the State of Texas.

(3) An individual with a master's or doctorate degree in audiology from an accredited college or university may engage in the measurement of human hearing by the use of an audiometer or by any means for the purpose of making selections and adaptations of or recommendations for a hearing aid and the making of impressions for earmolds to be used as part of a hearing aid, provided such persons do not sell hearing aids.

(4) An audiologist or an audiology intern licensed under Chapter 381, Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes), is exempt from the provisions of this Act.

(5) Renumber the sections of the bill as appropriate.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative King offered the following amendment to **CSHB 1765**:

Amend **CSHB 1765** as follows:

(1) On page 7, line 26, strike "Sections".

(2) On page 7, strike line 27.

(3) On page 8, line 1, strike "instrument dispensers licensing account".

Amendment No. 2 was adopted without objection.

CSHB 1765, as amended, was passed to engrossment.

HB 2462 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2462, A bill to be entitled An Act relating to the allocation of certain funds to certain institutions of higher education.

The bill was read second time and was passed to engrossment.

HB 2189 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2189, A bill to be entitled An Act relating to the operation and management of certain conservation and reclamation districts.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Counts, Representative Harris offered the following committee amendment to the bill:

Amend **HB 2189**, SECTION 6 on the bill page 6, line 17, by striking "District's" and substituting "Commission's".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Counts, Representative Harris offered the following committee amendment to the bill:

Amend **HB 2189**, SECTION 11 of the bill, page 9, line 13 by striking "district's" and substituting "commission's".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Yost offered the following amendment to the bill:

Amend **HB 2189**, SECTION 2, by adding the following new language at page 4, line 16:

Section 50.066. LABORATORY SERVICES. A district may contract with any person, within or without the boundaries of the district, to provide or receive laboratory services related to environmental, health or drinking water testing.

Amendment No. 3 was adopted without objection.

HB 2189, as amended, was passed to engrossment.

HB 1661 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1661**.

CSHB 1661, A bill to be entitled An Act relating to the adoption of the Texas Uniform Unincorporated Nonprofit Association Act.

CSHB 1661 was read second time.

Amendment No. 1

Representative S. Turner offered the following amendment to **CSHB 1661**:

Amend **CSHB 1661** as follows:

Page 6, line 11. Delete "public" and insert: members of the association

Amendment No. 1 was adopted without objection.

CSHB 1661, as amended, was passed to engrossment.

HB 955 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 955**.

CSHB 955, A bill to be entitled An Act relating to charges for sales of motor vehicle fuel involving certain means of payment; providing a criminal penalty.

CSHB 955 was read second time and was passed to engrossment.

HB 398 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 398**.

CSHB 398, A bill to be entitled An Act relating to the temporary exemption of certain high-cost gas from Gas Production tax.

CSHB 398 was read second time.

Amendment No. 1

Representative Craddick offered the following amendment to **CSHB 398**:

Amend **CSHB 398** as follows:

- (1) On page 2, line 27, strike "2006" and substitute "1999."
- (2) On page 4, line 21, strike "2006" and substitute "1999."
- (3) On page 5, line 18, strike "2007" and substitute "2000."
- (4) On page 7, between lines 14 and 15, insert a new Section 2 to read as follows and renumber subsequent sections accordingly:

Section 2.(a) The Railroad Commission of Texas shall file with the Legislative Budget Board such information as the Legislative Budget Board may request to assess the impact of the exemption authorized by this Act, including:

- (1) the number of approved applications;
- (2) the level of drilling activity;
- (3) natural gas production, and
- (4) any other related information and projections as requested by the Legislative Budget Board.

(b) Reports required by this section shall be filed for the following time periods no later than the date indicated:

- (1) for the period beginning September 1, 1996 through August 31, 1997, the report shall be filed no later than November 1, 1997; and
- (2) for the period beginning September 1, 1996, through February 28, 1997, the report shall be filed no later than April 1, 1997.

(c) The Railroad Commission of Texas shall, if requested by the Legislative Budget Board, provide quarterly reports containing the information required by Subsection (a) of this section.

Amendment No. 1 was adopted without objection.

CSHB 398, as amended, was passed to engrossment.

HB 2669 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2669**.

CSHB 2669, A bill to be entitled An Act relating to the regulation by the Texas State Board of Medical Examiners of certain physicians located in other jurisdictions who perform acts constituting the practice of medicine in this state.

CSHB 2669 was read second time.

Amendment No. 1

Representative Crabb offered the following amendment to **CSHB 2669**:

Amend **CSHB 2669**, page 3, by striking the sentence starting after the period on line 12 and by substituting the following:

This subsection does not apply to:

(1) the acts of a medical specialist located in another jurisdiction who provides only episodic consultation services on request to a person licensed in this state who practices in the same medical specialty;

(2) the acts of a physician located in another jurisdiction who is providing consultation services to a medical school as defined in Section 61.501, Education Code; or

(3) the acts of a physician located in another jurisdiction who is providing consultation services to either an institution defined in Chapter 73, Subchapter C, Education Code, or Chapter 74, Subchapter K, Education Code.

Amendment No. 1 was adopted without objection.

CSHB 2669, as amended, was passed to engrossment.

HB 2924 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2924**.

CSHB 2924, A bill to be entitled An Act relating to amendments to the Texas Property Code.

CSHB 2924 was read second time.

Representative Cook moved to postpone consideration of **CSHB 2924** until 10 a.m. Wednesday, May 3.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, on recess today, Desk 4, to consider **HB 446**, **HB 2143**, **HB 2779**, **HB 2789**, and **SB 432**.

Natural Resources, on recess today, Desk 9, to consider **HB 753**, **HB 3096**, **HB 3132**, **HB 3212**, **HB 3216**, **HB 3221**, **HB 3225**, **HB 3231**, **SB 626**, **SB 741**, **SB 942**, **SB 953**, and **SB 1546**.

Local and Consent Calendars, on recess today, Desk 81.

Transportation, on recess today, Desk 22.

HR 774 - ADOPTED

Representative H. Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 774**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By H. Cuellar,

HR 774, Commending the Honorable Vidal M. Trevino.

The resolution was adopted without objection.

HCR 192 - ADOPTED

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 192**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Craddick,

HCR 192, Honoring Don and Nell Furgeson on the occasion of their retirement.

The resolution was adopted without objection.

RECESS

Representative G. Lewis moved that the house recess until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12 noon, recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

MESSAGE FROM THE SENATE

Austin, Texas, May 2, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 65 by Turner, Bob, Yost, Combs, Black, Hilderbran, et al. (Sponsor-Wentworth), urging the Congress of the United States to amend the federal Endangered Species Act.

HCR 191 by Kubiak, recognizing May 3, 1995, as Washington County Day.

Respectfully,
Betty King
Secretary of the Senate

CSHB 1013 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to third reading, the complete committee substitute for **CSHB 1013**.

CSHB 1013, A bill to be entitled An Act relating to the issuance of obligations by the Texas Public Finance Authority.

CSHB 1013 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representatives Stiles and Gallego offered the following amendment to **CSHB 1013**:

Amend **CSHB 1013** as follows:

(1) On page 1, line 16, between "Center," and "and", insert "the Lamar University System or a component of that system, the Texas State University System or a component of that system,".

(2) On page 2, line 5, between "System," and "or", insert "the Lamar University System, the Texas State University System,".

Amendment No. 1 was withdrawn.

Amendment No. 2

Representatives Stiles and Gallego offered the following amendment to **CSHB 1013**:

Amend **CSHB 1013** as follows:

(1) On page 1, line 16, between "Center," and "and", insert, the Texas State University System or a component of that system,".

(2) On page 2, line 5, between "System," and "or", insert the Texas State University System,".

Amendment No. 2 was adopted without objection.

CSHB 1013, as amended, was passed to engrossment. (Chisum recorded voting no)

HB 1259 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1259**.

CSHB 1259, A bill to be entitled An Act relating to security obligations of a licensed seller of checks.

CSHB 1259 was read second time and was passed to engrossment.

HB 1608 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1608**.

CSHB 1608, A bill to be entitled An Act relating to the regulation of the sale of checks.

CSHB 1608 was read second time and was passed to engrossment.

HB 2768 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2768, A bill to be entitled An Act relating to the entities that may be used as depositories for certain public funds.

The bill was read second time.

HB 2768 - LAID ON THE TABLE SUBJECT TO CALL

Representative Marchant moved to lay **HB 2768** on the table subject to call.

The motion prevailed without objection.

HB 2294 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2294, A bill to be entitled An Act relating to the regulation of groundwater.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative R. Lewis, Representative Yost offered the following committee amendment to the bill:

Amend **HB 2294** as follows:

- (1) On page 2, line 14, strike "measurably" and substitute "appreciably".
- (2) On page 17, beginning on line 5, strike proposed Section 35.018.
- (3) On page 20, line 21, strike "measurably" and substitute "appreciably".
- (4) On page 44, strike lines 5 through 19, and substitute the following:

"Sec. 36.107. RESEARCH AND PLANNING. (a) A district may carry out any research projects deemed necessary by the board.

(b) Following notice and hearing, the district shall develop a comprehensive management plan for the most efficient use of the groundwater, for controlling and preventing waste of groundwater, and for controlling and preventing subsidence. The plan may be reviewed annually but must be reviewed by the board at least once every five years.

(c) The district shall specify in the management plan, in as much detail as possible, the acts, procedures, performance, and avoidance that are or may be necessary to effect the plan, including specifications and proposed rules. The district shall adopt rules necessary to implement the management plan. The district shall file a copy of the management plan and the rules with the commission.

Sec. 36.108. JOINT PLANNING IN A MANAGEMENT AREA. (a) If two or more districts are located within the boundaries of the same management area, each district shall prepare a comprehensive management plan as required by Section 36.107 covering that district's respective territory. On completion of the plan, each district shall forward a copy of the new revised management plan to the other districts in the management area.

(b) The board of directors of each district in the management area may, by resolution, call a joint meeting with the boards of directors of the other districts in the management area to review the management plans and accomplishments for the management area. The boards shall meet to consider the plans individually and shall compare them to other management plans then in force in the management area. In reviewing the management plans, the boards shall consider:

(1) the goals of each management plan and its impact on planning throughout the management area;

(2) the effectiveness of the measures established by each management plan for conserving and protecting groundwater and preventing waste, and the effectiveness of these measures in the management area generally; and

(3) any other matters that the boards consider relevant to the protection and conservation of groundwater and the prevention of waste in the management area.

(c) A joint meeting of the boards of directors must be held in accordance with the Open Meetings Act, Chapter 551, Government Code. Notice of the meeting shall be given in accordance with the requirements for notice of district board of directors meeting under that Act. In addition, notice of the meeting shall be published not later than the 30th day before the date of the scheduled meeting in a newspaper with general circulation in each county in the management area.

(d) A district in the management area may file a petition with the commission requesting an inquiry if the petitioner district believes that:

(1) another district in the management area has failed to adopt rules;

(2) the groundwater in the management area is not adequately protected by the rules adopted by another district; or

(3) the groundwater in the management area is not adequately protected due to the failure of another district to enforce substantial compliance with its rules.

(e) Not later than the 90th day after the date the petition is filed, the commission shall review the petition and either:

(1) dismiss it if it finds that the evidence is not adequate to show that any of the conditions alleged in the petition exist; or

(2) select a review panel as provided in Subsection (f).

(f) The commission may appoint a review panel consisting of a chairman and four other members. A director or general manager of a district located outside the management area that is the subject of the petition may be appointed to the review panel. The commission may not appoint more than two members of the review panel from any one district. The commission also shall appoint a disinterested person to serve as a nonvoting recording secretary for the review panel. The recording secretary may be an employee of the commission. The recording secretary shall record and document the proceedings of the panel.

(g) Not later than the 120th day after appointment, the review panel shall review the petition and any evidence relevant to the petition and, in a public meeting, prepare a report to the commission. The commission may direct the review panel to conduct public hearings at a location in the management area to take evidence on the petition. The review panel may attempt to negotiate a settlement or resolve the dispute by any lawful means.

(h) In its report, the review panel shall include:

(1) a summary of all evidence taken in any hearing on the petition;

(2) a list of findings and recommended actions appropriate for the commission to take and the reasons it finds those actions appropriate; and

(3) any other information the panel considers appropriate."

(5) On page 43, strike lines 24 and 25, and substitute the following:

"Sec. 36.106. SURVEYS. A district may make surveys of the"

(Danburg in the chair)

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative R. Lewis, Representative Yost offered the following committee amendment to the bill:

Amend **HB 2294** as follows:

(1) On page 2, strike lines 19 through 27, and on page 3, strike lines 1 through 23.

(2) On page 4, line 24, strike "an" and substitute "a", and on line 25 strike "an" and substitute "a".

(3) On page 119, strike lines 22 through 24, and substitute the following: "of each political subdivision located either partially or entirely in the critical area.".

(4) On page 14, strike lines 18 and 19, and substitute the following: "District. If the district has issued bonds, the proposition shall include the following language: "and assumption by the described area of a proportional share of the outstanding indebtedness of the district.".

(5) On page 15, strike lines 21 through 23, and substitute the following: "Sec. 35.015. STATE ASSISTANCE. (a) A political subdivision located in or".

(6) On page 16, strike lines 3 and 4, and substitute the following: "(b) A political subdivision".

(7) On page 16, strike lines 16 through 18, and substitute the following: "(b) A district is considered active if it meets the requirements in Section 36.301(c).".

(8) On page 17, line 1, strike "state-owner" and substitute "state-owned" and on line 24 insert a comma following "waste".

(9) On page 23, strike lines 19 and 20, and substitute the following: "(d) A district may consist of separate bodies of land separated".

(10) On page 30, line 5, between "appointment of" and "board" insert "the"; and on line 16, between "except any" and "law governing" insert "special".

(11) On page 37, line 21, strike "microfilming." and substitute "storage.".

(12) On page 39, line 12, strike the proposed Section 36.068 and substitute the following:

"Sec. 36.068. EMPLOYEE BENEFITS. (a) The board may provide for and administer retirement, disability, and death compensation funds for the employees of the district.

(b) The board may establish a public retirement system in accordance with the provisions of Chapter 810, Government Code. The board may also provide for a deferred compensation plan described by Section 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 457).

(c) The board may include hospitalization and medical benefits to its employees as part of the compensation paid to the officers and employees and may adopt any plan, rule, or regulation in connection with it and amend or change the plan, rule, or regulation as it may determine."

(13) On page 41, line 14, strike "in a book".

(14) On page 51, strike line 7 and substitute the following:

"Sec. 36.121. LIMITATION ON RULE-MAKING POWER OF

DISTRICTS OVER WELLS IN CERTAIN COUNTIES. Except as provided by Section 36.117, a district that is created under this chapter on or after September 1, 1991, shall exempt from regulation under this chapter a well and any water produced or to be produced by a well that is located in a county that has a population of 14,000 or less if the water is to be used solely to supply a municipality that has a population of 115,000 or less and the rights to the water produced from the well are owned by a political subdivision that is not a municipality, or by a municipality that has a population of 93,000 or less, and that purchased, owned, or held rights to the water before the date on which the district was created, regardless of the date the well is drilled or the water is produced. The district may not prohibit the political subdivision or municipality from transporting produced water inside or outside the district's boundaries.

"[Sections 36.122-36.150 reserved for expansion]"

(15) On page 39, line 11, strike "a" and on line 12 strike the second occurrence of "the".

(16) On page 59, line 20, strike the first occurrence of "chapter".

(17) On page 61, line 12, strike "the board" and substitute "The board".

(18) On page 62, line 21, following the period at the end of the sentence add the following:

"The suit may only be filed after all administrative appeals to the district are final."

(19) On page 64, line 24, strike "five" and substitute "three".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Walker offered the following amendment to the bill:

Amend **HB 2294** as follows:

(1) On page 21, strike line 15 and substitute the following:

"the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26;

(2) On page 21, strike line 19 and substitute the following:

"occupant of the land receiving the discharge; or

(G) for water produced from an artesian well, "waste" has the meaning assigned by Section 11.205."

(3) On page 39, line 1, between "suit" and "it may" insert the following: "other than a suit in which it voluntarily intervenes".

(4) On page 73, between lines 23 and 24, insert the following new section:

"SECTION 7. Effective date. This Act takes effect September 1, 1995, and applies to all actions by a district or board taken after that date. Any provision of this Act relating to suits to which a district governed by this Act is a party shall only apply to suits filed on or after the effective date of this Act."

Amendment No. 3 was adopted without objection.

HB 2294, as amended, was passed to engrossment.

SB 1060 ON SECOND READING (R. Lewis - House Sponsor)

The chair laid before the house, in lieu of **HB 1760**, on its second reading and passage to third reading,

SB 1060, A bill to be entitled An Act relating to the assessment of certain fees or costs by a justice, municipal, or county court.

The bill was read second time and was passed to third reading.

HB 1760 - LAID ON THE TABLE SUBJECT TO CALL

Representative R. Lewis moved to lay **HB 1760** on the table subject to call.

The motion prevailed without objection.

(Speaker in the chair)

HB 2309 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2309**.

CSHB 2309, A bill to be entitled An Act relating to the basic skills assessment of students at institutions of higher education and to programs for students in need of enrichment in those basic skills.

CSHB 2309 was read second time.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 2309**:

Amend **CSHB 2309** as follows:

1) On page 2, line 25, delete ~~(2) to prohibit or limit a student's advancement in a degree program.~~

2) On page 3, line 16, after (g), insert A student identified as needing enrichment education may not enroll in any upper division course completion of which would give the student 60 or more semester credit hours or the equivalent until the student has successfully completed an enrichment program in each area of identified deficiency.

3) Renumber all subsequent subsections as appropriate.

Amendment No. 2

Representatives Uher and Kubiak offered the following amendment to Amendment No. 1:

Amend **CSHB 2309** as follows:

1) On page 2, line 25, delete ~~(2) to prohibit or limit a student's advancement in a degree program.~~

2) On page 3, line 16, after (g), insert A student identified as needing enrichment education may enroll in any upper division course but the student must successfully complete an enrichment program in each area of identified deficiency not later than the end of the junior year or 90 semester hours.

3) Renumber all subsequent subsections as appropriate.

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

Amendment No. 3

Representative Hilbert offered the following amendment to **CSHB 2309**:

Amend **CSHB 2309** as follows:

(1) On page 4, line 15, immediately after the period, insert the following: The State Board of Education by rule shall establish a program, to be administered by the commissioner of education, by which a school district that consistently graduates students who require enrichment courses under this section is required to pay to institutions of higher education all or a part of the costs of enrichment courses provided by those institutions under this section to students who graduated from the school district. The Texas Higher Education Coordinating Board, in cooperation with the State Board of Education, shall adopt rules to facilitate charging school districts for the costs of enrichment courses under this subsection. Rules adopted under this subsection shall be designed to ensure fairness, consistency, and fundamental due process.

(2) On page 4, lines 20 through 23, strike the struck-through sentence that begins on line 20 and substitute "The report shall identify by name the high school from which each assessed [~~tested~~] student graduated and a statement as to whether [~~or not~~] the student's performance was above or below the standard."

Representative Rangel moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Chisum offered the following amendment to **CSHB 2309**:

Amend **CSHB 2309** as follows:

1) On page 4, line 20, after the (.), insert The report shall identify by name the high school from which each tested student graduated and a statement as to whether or not the student's performance was above or below the standard.

Amendment No. 4 was adopted without objection.

CSHB 2309, as amended, was passed to engrossment. (Corte recorded voting no)

HB 1719 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1719, A bill to be entitled An Act relating to altering the business form of the holder of a permit allowing the sale or service of alcoholic beverages for on-premise consumption.

The bill was read second time.

Amendment No. 1

Representative Giddings offered the following amendment to the bill:

Amend **HB 1719** as follows:

On page 1, line 12, after the word "form" and before the period, add the words "unless the physical location of the business is within 1000 feet of the property line of a public school"

Amendment No. 1 was adopted without objection.

HB 1719, as amended, was passed to engrossment.

SB 529 ON SECOND READING
(Siebert - House Sponsor)

The speaker laid before the house, in lieu of **HB 1731**, on its second reading and passage to third reading,

SB 529, A bill to be entitled An Act relating to remedies for unauthorized use of certain Olympic symbols.

The bill was read second time and was passed to third reading.

HB 1731 - LAID ON THE TABLE SUBJECT TO CALL

Representative Siebert moved to lay **HB 1731** on the table subject to call.

The motion prevailed without objection.

HB 869 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 869**.

CSHB 869, A bill to be entitled An Act relating to coordinated delivery of health and human services programs.

CSHB 869 was read second time.

Amendment No. 1

Representative Van de Putte offered the following amendment to **CSHB 869**:

Amend **CSHB 869** as follows:

(1) On page 2 line 9 add the following to (3), "if the entities agree to comply with the commissioners request, they shall"

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Wohlgemuth offered the following amendment to **CSHB 869**:

Amend **CSHB 869** on page 2 by striking lines 20 and 21 and substituting:

(3) at the request of a governmental entity identified under Section 10(e) of this article, assist the governmental entity in

Amendment No. 2 was adopted without objection.

CSHB 869, as amended, was passed to engrossment.

HB 1441 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1441**.

CSHB 1441, A bill to be entitled An Act relating to the financing of alternative fuels projects by the Texas Public Finance Authority on behalf of state agencies and certain political subdivisions of the state.

CSHB 1441 was read second time.

Amendment No. 1

Representative Holzhauser offered the following amendment to **CSHB 1441**:

Amend **CSHB 1441** by inserting the following as SECTION 2 and renumbering the subsequent subsection accordingly.

SECTION 2. The Legislature affirms its intent that:

(a) the purpose of Chapter 603, Acts of the 73rd Legislature, Regular Session, 1993, is to establish a program whereby loans are made to state agencies, local governments including school districts, mass transit authorities, municipalities, counties, or special districts, and joint ventures between the private sector and a state agency or local government to finance alternative fuel projects through the purchase by the state of obligations issued by those local governments or by the pledge of state agency appropriations;

(b) the legislature may, but is not obligated to, appropriate funds to make payments on behalf of local governments for loans authorized by Chapter 603, Acts of the 73rd Legislature, Regular Session, 1993;

(c) the loans authorized by Chapter 603, Acts of the 73rd Legislature, Regular Session, 1993, be made to facilitate alternative fuels projects for conversion of vehicles, development of fueling stations, and the other purposes described in the Act;

(d) local governments are authorized to issue obligations as evidence of repayment of the loan made by the Texas Public Finance Authority Board under the program authorized by Chapter 603, Acts of the 73rd Legislature, Regular Session, 1993; and

(e) the revenue bond program authorized by Chapter 603, Acts of the 73rd Legislature, Regular Session, 1993, be implemented expeditiously to achieve its intended purposes.

Amendment No. 1 was adopted without objection.

CSHB 1441, as amended, was passed to engrossment.

HB 2441 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2441**.

CSHB 2441, A bill to be entitled An Act relating to the amendment, extension, or renewal of a permit for a solid waste facility.

CSHB 2441 was read second time.

Amendment No. 1

Representative R. Cuellar offered the following amendment to **CSHB 2441**:

Amend **CSHB 2441** (House Committee Printing) as follows:

(1) On page 1, line 6, strike "Subsections (e)-(g)" and substitute "Subsections (e) and (f)".

(2) On page 1, line 15, strike "knowingly".

(2) On page 2, line 6, strike "knowingly".

(4) On page 2, strike lines 11-16.

Representative Hilbert moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Hirschi offered the following amendment to **CSHB 2441**:

Amend **CSHB 2441** as follows:

On page 1, line 7 delete the word "amendment"

On page 1, line 21 delete the word, "amend"

Representative Hilbert moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative G. Lewis offered the following amendment to **CSHB 2441**:

Amend **CSHB 2441**, SECTION 2, by adding a new sentence at the end of Section (a) on page 2 line 23 to read as follows:

The commission should consolidate multiple applications for one facility for good cause including when consolidation will reduce the economic burdens of permit proceedings on the state, applicants or other participants while not adding unreasonable burdens to any other participant.

Representative Saunders moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative G. Lewis offered the following amendment to **CSHB 2441**:

Amend **CSHB 2441**, SECTION 2, by adding a new phrase on page 2 line 24 after the word "Act" to read as follows:

or needed to protect public health.

(Talton now present)

Representative Saunders moved to table Amendment No. 4.

(Black in the chair)

The motion to table prevailed.

Amendment No. 5

On behalf of Representative Gallego, Representative Rodriguez offered the following amendment to **CSHB 2441**:

Amend **CSHB 2441**, SECTION 1, by adding to the end of subsection (g) on page 2 line 16 new sentences to read as follows:

For purposes of this subsection, the terms "major or substantive modification" for commercial waste facilities for which the opportunity for a hearing should be provided includes, but is not limited to, a modification that would increase the amount of waste; change the type or nature of the waste; increase the size of the facility; authorize a new waste management unit; significantly change plans to respond to spills or emergencies; change the

location, number or type of wells or other monitoring devices for ground water contamination or methane gas releases; and any other change for which public participation is requested by the executive director, a local government, legislator or organization with 25 members or more.

Representative Chisum moved to table Amendment No. 5.

A record vote was requested.

The motion to table prevailed by (Record 274): 71 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Culberson; Dear; Denny; Driver; Duncan; Finnell; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Heflin; Hilbert; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; King; Krusee; Kuempel; Lewis, R.; Madden; McCoulskey; Moffat; Mowery; Nixon; Park; Patterson; Pitts; Rabuck; Ramsay; Reyna; Rhodes; Rusling; Saunders; Shields; Siebert; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Uher; Walker; West; Williamson; Wohlgemuth; Woolley; Yost.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Bosse; Coleman; Conley; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Gallego; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hernandez; Hilderbran; Hirschi; Hochberg; Jones, J.; Kamel; Kubiak; Lewis, G.; Longoria; Luna; Marchant; Maxey; McDonald; Moreno; Munoz; Naishtat; Oakley; Oliveira; Pickett; Place; Price; Puente; Rangel; Raymond; Rodriguez; Romo; Sadler; Seidlits; Serna; Solis; Stiles; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Willis; Wilson; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Black(C).

Absent — Brady; Delisi; Hartnett; Hawley; Hightower; Hudson; Junell; McCall; Ogden; Telford.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on HB1:

Coleman on motion of Wolens.

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on HB 1:

Junell on motion of Wolens.

Delisi on motion of Wolens.

Ogden on motion of Wolens.

Gallego on motion of Wolens.

CSHB 2441 - (consideration continued)

A record vote was requested.

CSHB 2441, as amended, failed to pass to engrossment by (Record 275): 68 Yeas, 72 Nays, 3 Present, not voting. (The vote was reconsidered Wednesday, May 3, and **CSHB 2441**, as amended, passed to engrossment by Record 278.)

Yeas — Alexander; Allen; Averitt; Brady; Carona; Carter; Chisum; Clemons; Combs; Corte; Counts; Crabb; Craddick; Dear; Driver; Duncan; Elkins; Finnell; Goolsby; Grusendorf; Hamric; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Kamel; King; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Nixon; Park; Patterson; Place; Rabuck; Ramsay; Reyna; Rusling; Saunders; Shields; Siebert; Smithee; Solomons; Staples; Swinford; Talton; Telford; Turner, B.; Walker; West; Williamson; Wohlgemuth; Woolley; Yost.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Bosse; Brimer; Conley; Cook; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Giddings; Goodman; Gray; Greenberg; Gutierrez; Haggerty; Harris; Hawley; Hernandez; Hightower; Hirschi; Hochberg; Horn; Hudson; Jones, J.; Kubiak; Lewis, G.; Longoria; Luna; Maxey; McDonald; Moreno; Munoz; Naishtat; Oakley; Oliveira; Pickett; Pitts; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Sadler; Seidlits; Serna; Solis; Stiles; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Willis; Wilson; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Black(C); Uher.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Ogden.

Absent — Glaze; Hartnett.

STATEMENT OF VOTE

I was out of the chamber attending the conference committee on appropriations at the time **HB 2441** came up. Had I been present, I would have voted no.

Gallego

MESSAGE FROM THE SENATE

Austin, Texas, May 2, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 224 by Zaffirini, relating to reports of domestic violence.

SB 755 by Whitmire, relating to procedures for certain employment matters concerning sheriff's department employees of certain counties.

SB 1365 by Wentworth, relating to prepaid legal services contracts.

SB 1454 by Rosson, relating to educational programs for medical students and physicians regarding pain management and treatment.

SB 1679 by Ratliff, relating to the notice the seller of an interest in coastal area property is required to furnish the purchaser.

Respectfully,
Betty King
Secretary of the Senate

HB 384 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 384**.

CSHB 384, A bill to be entitled An Act relating to eligibility for service retirement from the Employees Retirement System of Texas.

CSHB 384 was read second time.

Amendment No. 1

Representative Marchant offered the following amendment to **CSHB 384**:

Amend **CSHB 384** as follows:

Add new sections appropriately numbered to read as follows:

SECTION____. Section 813.001, Government Code, is amended to read as follows:

Sec. 813.001. TYPES OF CREDITABLE SERVICE. The types of service creditable in the retirement system are membership service, ~~and~~ military service, and equivalent membership service.

(2) Between existing **SECTIONS** 8 and 9 of the bill (senate engrossment, page 9, between lines 11 and 12), insert the following appropriately numbered sections:

SECTION____. Section 813.401, Government Code, is amended to read as follows:

Sec. 813.401. SERVICE CREDITABLE IN ELECTED CLASS. Service creditable in the elected class of membership is:

- (1) membership service in an office included in that class; ~~and~~
- (2) military service established as provided by Subchapter D; and
- (3) equivalent membership service specifically made creditable in that class.

SECTION____. Section 813.404, Government Code, is amended to read as follows:

Sec. 813.404. CONTRIBUTIONS FOR SERVICE NOT PREVIOUSLY ESTABLISHED. For each month of membership, ~~or~~ military, or equivalent membership service not previously credited in the retirement system, a member claiming credit in the elected class shall pay a contribution in an amount equal to the greater of:

- (1) eight percent of the monthly salary paid to members of the legislature at the time the credit is established; or
- (2) six percent of the monthly state salary paid to a person who holds, at the time the credit is established, the office for which credit is sought.

SECTION____. Subchapter E, Chapter 813, Government Code, is amended by adding Section 813.406 to read as follows:

Sec. 813.406. COUNTY SERVICE. (a) A member of the elected class of membership who meets a service requirement provided by Section 814.102 for retirement at an attained age may establish equivalent membership service credit in that class for service performed as an elected officer of a county in this state.

(b) In addition to the contribution required by Section 813.404, a member establishing service credit under this section must pay interest computed on the basis of the state fiscal year at an annual rate of 10 percent of the contribution from the time the service was performed to the date of deposit.

(c) A member may not establish more than 24 months of service credit under this section. Credit may not be established under this section if the same service is credited in another public retirement system.

(d) The retirement system may require members applying for credit under this section to submit any information the system considers necessary to enable it to determine the amount of service or amounts of required contributions.

(3) Renumber sections of the bill accordingly.

Amendment No. 1 was adopted without objection.

CSHB 384, as amended, was passed to engrossment. (Finnell and Horn recorded voting no)

HB 2053 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 2053, A bill to be entitled An Act relating to the identification of a motor vehicle that is issued exempt license plates.

The bill was read second time.

Amendment No. 1

Representative Price offered the following amendment to the bill:

Amend **HB 2053** by adding a new subdivision (5) to Subsection (g), SECTION 1 of the bill, to read, "For purpose of this subsection, an exempt license plate is a license plate that is issued by the Department and is plainly marked with the word "Exempt."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Horn offered the following amendment to the bill:

Amend SECTION 1 of **HB 2053** by adding a new subsection (g)(3) to read as follows:

(g) (3) Notwithstanding anything in this Act to the contrary, the department shall issue only one original license plate for each motor vehicle registered under Section 3(c) of this Act. The one license plate is required to be displayed at the rear of the vehicle. In Section 3(c) of this Act, the terms "set of plates" and "plates" mean one license plate.

Representative Price moved to table Amendment No. 2.

The motion to table prevailed.

HB 2053, as amended, was passed to engrossment.

HB 369 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 369**.

CSHB 369, A bill to be entitled An Act relating to the operation and funding of small employer health benefit plans.

CSHB 369 was read second time.

Amendment No. 1

Representative Averitt offered the following amendment to **CSHB 369**:

Amend Page 5, Section 4. Article 26.21 (c), line 23, by adding language after "1" and before "A small" that read as follows:

A small employer carrier may elect not to offer health benefit plans to a small employer who offers multiple health benefit plans if such plans are to be provided by more than one carrier and the small employer carrier would have less the 75% of the small employer's eligible employees enrolled in the small employer carrier's health benefit plan.

Amendment No. 1 was adopted without objection.

CSHB 369, as amended, was passed to engrossment.

HB 1753 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 1753, A bill to be entitled An Act relating to the punishment of the offense of assault committed by or against a public servant.

The bill was read second time.

Amendment No. 1

Representative Chisum offered the following amendment to the bill:

Amend **HB 1753** on line 9 by striking the "1" and by striking lines 10 and 11 and on line 12, strike the (2).

Amendment No. 1 was adopted without objection.

HB 1753, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, May 2, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 1660 by Ratliff, relating to agreed orders of the Texas Natural Resource Conservation Commission.

Respectfully,
Betty King
Secretary of the Senate

HB 2318 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2318**.

CSHB 2318, A bill to be entitled An Act relating to work programs for certain persons committed to the Texas Youth Commission and to tax credits and abatements for businesses participating in the programs.

CSHB 2318 was read second time.

Amendment No. 1

Representative Allen offered the following amendment to **CSHB 2318**:

Amend **CSHB 2318** (first printing) on page 4, line 26, by striking "61.125(b)" and substituting "61.123(b)".

Amendment No. 1 was adopted without objection.

CSHB 2318, as amended, was passed to engrossment.

HB 1966 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 1966, A bill to be entitled An Act relating to the use of optical imaging and other electronic means for creating records in municipal courts.

The bill was read second time and was passed to engrossment.

HB 713 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 713**.

CSHB 713, A bill to be entitled An Act relating to the regulation of private investigators and private security agencies; creating a criminal penalty.

CSHB 713 was read second time and was passed to engrossment.

HB 1345 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 1345, A bill to be entitled An Act relating to tests for human immunodeficiency virus infection of pregnant women or on delivery of a child.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Berlanga, Representative Hamric offered the following committee amendment to the bill:

Amend **HB 1345**, Section 81.090, Health and Safety Code, to read as follows:

Strike Section (k) and substitute the following:

"(k) If a screening test and a confirmatory test conducted under this section shows that the woman is or may be infected with HIV, the physician or other person who submitted the sample for the test shall provide or make available to the woman:

(1) information relating to treatment of HIV infection and acquired immune deficiency syndrome; and

(2) Counseling under Section 81.109."

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Berlanga, Representative Hamric offered the following committee amendment to the bill:

Amend **HB 1345** to read as follows:

On page 2, beginning at line 24, insert a new Subsection (j) as

"(j) Before the blood sample is taken, the health care provider shall distribute to the patient printed materials about AIDS, HIV and syphilis. The health care provider shall note on the medical records that the distribution was made. The materials shall be provided to the health care provider by the Texas Department of Health and shall be prepared and designed to inform the patients about:

(1) the incidence and mode of transmission of AIDS, HIV, and syphilis;

(2) how being infected with HIV, AIDS or syphilis could affect the health of their child;

(3) the available cure for syphilis;

(4) the available treatment to prevent maternal-infant HIV transmission; and

(5) methods to prevent the transmission of the HIV virus and syphilis." and reletter the following subsections (k), (l), (m), and (n).

Amendment No. 3

Representative Hamric offered the following amendment to Amendment No. 2:

Amend Committee Amendment No. 2 to read as follows:

Amend **HB 1345** to read as follows:

On page 2, beginning at line 24, insert a new Subsection (j) as

"(j) Before the blood sample is taken, the health care provider shall distribute to the patient printed materials about AIDS, HIV, and syphilis and shall verbally notify the patient that an HIV test shall be performed if the patient does not object. The health care provider shall note on the medical records that the distribution of printed materials was made and that verbal notification was given. The materials shall be provided to the health care provider by the Texas Department of Health and shall be prepared and designed to inform the patients about:

(1) the incidence and mode of transmission of AIDS, HIV, and syphilis;

(2) how being infected with HIV, AIDS or syphilis could affect the health of their child;

(3) the available cure for syphilis;

(4) the available treatment to prevent maternal-infant HIV transmission;

and

(5) methods to prevent the transmission of the HIV virus and syphilis."
and reletter the following subsections (k), (l), (m), and (n).

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted without objection.

Amendment No. 4

Representative Hamric offered the following amendment to the bill:

(1) Amend **HB 1345** (House Committee Report), on page 2, by striking lines 26-27, and on page 3, by striking line 1, and substituting "the woman objects."

Amendment No. 5

Representatives Farrar, Gray, Stiles, Hightower, Dutton, Alvarado, Naishtat, Berlanga, Price, Rodriguez, Serna, Thompson, Raymond, King, J. Jones, Moreno, Alexander, Gutierrez, De La Garza, Dukes, Swinford, Eiland, Yarbrough, Oakley, Munoz, Rangel, G. Lewis, H. Cuellar, Danburg, Hartnett, Ehrhardt, Edwards, Ramsay, Alonzo, Tillery, Bailey, Puente, Luna, Davis, Conley, Giddings, Solis, Romo, Hernandez, Rhodes, Torres, Gallego, Davila, and Oliveira offered the following amendment to Amendment No. 4:

(1) Amend Amendment No. 4 to **HB 1345** (House Committee report) on line 6, by adding the following after the word "object.": "If the patient objects, the patient shall be referred to an anonymous testing facility or instructed about anonymous testing methods."

Representative Hamric moved to table Amendment No. 5.

The motion to table was lost.

Amendment No. 5 was adopted without objection.

Amendment No. 4, as amended, was adopted without objection.

Amendment No. 6

Representative Davila offered the following amendment to the bill:

Amend **HB 1345** (House Committee Report) as follows:

(1) On page 2, between lines 20 and 21, add a new subsection to Section 81.090, Health and Safety Code, appropriately lettered, to read as follows:

() Before conducting or causing to be conducted a standard serologic test for HIV infection under this section, the physician or other person shall advise the woman that the result of a test taken under this section is confidential as provided by Subchapter F, but that the test is not anonymous. The physician or other person shall explain the difference between a confidential and an

anonymous test to the woman and that an anonymous test may be available from another entity. The physician or other person shall make the information available in another language, if needed, and if resources permit. The information shall be provided by the physician or another person, as needed, in a manner and in terms understandable to a person who may be illiterate if resources permit.

(2) Reletter subsequent sections of Section 81.090, Health and Safety Code, appropriately.

(3) On page 1, lines 5-7, conform the language describing the amendment to Section 81.090, Health and Safety Code, as appropriate.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Davila offered the following amendment to the bill:

Amend **HB 1345** (House Committee Report) on page 3, line 7, between "syndrome" and the semicolon, by inserting "which must be in another language if needed, and must be presented, as necessary, in a manner and in terms understandable to a person who may be illiterate if resources permit".

Amendment No. 7 was adopted without objection.

HB 1345, as amended, was passed to engrossment.

HB 3179 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 3179, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Clear Creek Watershed Regional Flood Control District, granting the power of eminent domain, authorizing the issuance of bonds, providing for the levy, assessment, and collection of ad valorem taxes, and providing for a civil penalty.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Yost, Representative Harris offered the following committee amendment to the bill:

Amend **HB 3179** as follows:

(1) On page 10, line 11, strike the word "maintenance" and substitute "infrastructure alterations".

(2) On page 14, line 18, after the word "subsection" and before the word "under", insert the word "only".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Yost, Representative Harris offered the following committee amendment to the bill:

Amend **HB 3179** as follows:

On page 12, line 18, after the word "district", add ", including the Clear Creek Regional Watershed Plan as adopted by the Clear Creek Watershed Steering Committee."

Amendment No. 2 was adopted without objection.

Amendment No. 3 (Committee Amendment No. 3)

On behalf of Representative Yost, Representative Harris offered the following committee amendment to the bill:

Amend **HB 3179** as follows:

On page 15, line 8, after the words "Section 16.", add "If a political subdivision has its plan approved by the Board, any improvements within the subdivision which are consistent with the approved plan are exempt from certification by the Board."

Amendment No. 3 was adopted without objection.

Amendment No. 4 (Committee Amendment No. 4)

On behalf of Representative Combs, Representative Harris offered the following committee amendment to the bill:

Amend **HB 3179** (introduced version) beginning on page 2, line 3, and ending on page 5, line 4, by striking SECTION 3 of the bill and substituting a new SECTION 3 to read as follows:

SECTION 3. BOUNDARIES OF DISTRICT. The district is composed of Brazoria County tracts 0601.10, 0601.20, 0602.12, 0602.22, and 0602.32; and that part of Brazoria County tract 0602.11 included in block group 1 and blocks 201A, 201B, 202A, 202B, 202C, 206B, 301A, and 301B; and that part of Brazoria County tract 0602.21 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109A, 109B, 110, 111, 112A, 112B, 113A, 113B, 114, 115, 116, 117, 118, 119, 120, 121, 301A, 301B, 302A, 302B, 303B, 304, 305A, 305B, 306A, 306B, 307A, 307B, 308, 309, 310A, 310B, and 311; and that part of Brazoria County tract 0603.10 included in blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 308A, 308B, 308C, 312, 317, 318A, 318B, 319, 320, 321, 322, 326A, and 327; and that part of Fort Bend County tract 0701.15 included in blocks 607A, 607B, 608, 609, 610, 611, 612, 613, 614, 615, 616A, and 616B; and that part of Fort Bend County tract 0701.25 included in blocks 101, 102, 103A, 103C, 104, 105, 122, 123, 201, 202, 203, 204, and 205; Galveston County tracts 1201.01, 1201.02, 1205, 1206.10, and 1206.20; and that part of Galveston County tract 1202 included in block groups 1, 2, 5, and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312A, 312B, 313, 314, 315, 316A, 316B, 316C, 317, 319, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, and 415; and that part of Galveston County tract 1203 included in block groups 1, 2, 3, 4, 5, and blocks 601, and 602; and that part of Galveston County tract 1204 included in block groups 1 and 2 and blocks 304, 305, 306, and 307; and that part of Galveston County tract 1207 included in block groups 1, 3, 4, 5, and blocks 201A, 201B, 201E, 202, 203, 204A, 204B, 205, 206, 207, 208, 209, 210, and 211; and that part of Galveston County tract 1208 included in block 407A; and that part of Galveston County tract 1209

included in blocks 101, 102, 103, 104, 105, 106, 107, 112, 113, 114, 115, 116, 117, 118, 123, 124, 125, 126, 130, and 131; Harris County tracts 0337, 0341, 0345.02, 0371.02, 0371.11, 0371.21, 0372, 0373.04, 0374, and 0375; and that part of Harris County tract 0336 included in blocks 403B, 408, 409, 410, 411, and 412; and that part of Harris County tract 0338 included in blocks 401 and 413; and that part of Harris County tract 0340 included in blocks 604, 605, 606, 607, 608, and 609; and that part of Harris County tract 0342 included in blocks 113, 126, 128, 129, 130, 131, 132, and 133; and that part of Harris County tract 0344 included in block 426; and that part of Harris County tract 0345.01 included in block groups 4, 5, 6, and blocks 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, and 320; and that part of Harris County tract 0346 included in blocks 204, 209, 210, 212, and 304; and that part of Harris County tract 0347.03 included in block 202; and that part of Harris County tract 0367 included in blocks 131B, 132, and 133; and that part of Harris County tract 0368.01 included in block groups 5, 6, 7, 8, and blocks 402A, 402B, 402C, 402D, 402E, 403, 404, 499A, 499B, 499C, 499D, and 499E; and that part of Harris County tract 0368.02 included in blocks 109, 110, 111, 112, 113, 115, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 305, 308, 309, 312, 315, 316, 319, 320, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 358, 359, 364, 365, and 399; and that part of Harris County tract 0369 included in blocks 101B, 101C, 101D, 101E, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 199A, 199B, 199C, 201, 202, 203, 204, 205, 206, 207A, 207C, 208, 209, 212, 299, 301B, and 301D; and that part of Harris County tract 0370.10 included in block groups 1 and 2 and blocks 301A, 301B, and 303; and that part of Harris County tract 0373.02 included in block group 6 and blocks 305, 308, 309, 702, 703, 704, and 705; and that part of Harris County tract 0373.03 included in block groups 1, 2, 3, and blocks 401A, 401B, 403, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 505, 506, 507, 508, 509, 510, 511, and 512; and that part of Harris County tract 0373.11 included in blocks 101A, 101B, 102, 103, 104, 301A, 301B, 302, 303A, and 303B; and that part of Harris County tract 0373.21 included in block groups 2 and 3 and blocks 111, and 112.

Amendment No. 4 was adopted without objection.

Amendment No. 5 (Committee Amendment No. 5)

On behalf of Representative Combs, Representative Harris offered the following committee amendment to the bill:

Amend **HB 3179** as follows:

On page 7, line 5, add subsection (m) to section 4 as follows:

(m) An advisory committee to the board composed of one representative from each political subdivision within the district shall be established. Members of the advisory committee shall be appointed by each political subdivision from elected members of the subdivision's governing body.

Amendment No. 5 was adopted without objection.

Amendment No. 6 (Committee Amendment No. 6)

On behalf of Representative Walker, Representative Harris offered the following committee amendment to the bill:

Amend **HB 3179** as follows:

(1) On page 11, line 6 & 7, after "agencies." and before "and private", strike "local governments".

(2) On page 12, line 4, add subsection (g) to Section 8 to read as follows: "The district shall advise, consult, and cooperate with local governments on matters regarding the water shed."

Amendment No. 6 was adopted without objection.

HB 3179, as amended, was passed to engrossment.

(Gallego now present)

HB 2197 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 2197, A bill to be entitled An Act relating to the payment in installments of ad valorem taxes on certain property located in a disaster area.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Heflin, Representative Stiles offered the following committee amendment to the bill:

Amend **HB 2197** on page 2, line 17, by adding the following sentence at the end of subsection (e):

"The collector may not extend the third installment deadline beyond December 31."

Amendment No. 1 was adopted without objection.

HB 2197, as amended, was passed to engrossment.

HB 2627 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2627**.

CSHB 2627, A bill to be entitled An Act relating to administration and collection of the franchise tax.

CSHB 2627 was read second time.

Representative Craddick moved to lay **CSHB 2627** on the table subject to call.

The motion prevailed without objection.

HB 2211 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2211**.

CSHB 2211, A bill to be entitled An Act relating to requiring the approval of the Texas Transportation Commission before a political subdivision or private entity may construct or finance the construction of a bridge across the Rio Grande.

CSHB 2211 was read second time.

Representative Berlanga moved to postpone consideration of **HB 2211** until 10 a.m. Monday, May 8.

The motion prevailed without objection.

HB 2176 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2176**.

CSHB 2176, A bill to be entitled An Act relating to the award of highway improvement contracts.

CSHB 2176 was read second time and was passed to engrossment.

HB 1900 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 1900, A bill to be entitled An Act relating to routine purchases and contracts made by a port commission.

The bill was read second time and was passed to engrossment. (Corte, Culberson, Horn, Kamel, Madden, Park, Reyna, and Talton recorded voting no)

HB 2151 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 2151, A bill to be entitled An Act relating to the issuance of titles to certain motor vehicles.

The bill was read second time.

Amendment No. 1

Representative Bosse offered the following amendment to the bill:

Amend **HB 2151** by striking all below the enacting clause and substituting the following:

SECTION 1. The Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes) is amended by adding Section 37A to read as follows:

Sec. 37A. (a) In this section:

(1) "Actual cash value" means the market value of a motor vehicle as determined:

(A) from publications commonly used by the automotive and insurance industries to establish the value of motor vehicles; or

(B) if the entity determining the value is an insurance company, by any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner.

(2) "Automobile recycler" means a person in the business of dealing in salvage motor vehicles for the purpose of dismantling the vehicles to sell used parts or a person otherwise engaged in the business of acquiring, selling, or dealing in salvage parts for reuse or resale as parts. The term includes a dealer in used motor vehicle parts.

(3) "Insurance company" means a person authorized to write automobile insurance in Texas or an out-of-state insurance company that pays a loss claim for a motor vehicle in Texas.

(4) "Late model motor vehicle" means a motor vehicle that was manufactured during the preceding six model years, including the current model year.

(5) "Late model salvage motor vehicle" means a late model motor vehicle, other than a late model vehicle that is a nonrepairable motor vehicle, that is damaged to the extent that the total estimated cost of repairs, other than repairs related to hail damage but including parts and labor, is equal to or greater than an amount equal to 75 percent of the actual cash value of the vehicle in its predamaged condition.

(6) "Major component part" means one of the following parts of a motor vehicle:

(A) the engine;

(B) the transmission;

(C) the frame;

(D) the right or left front fender;

(E) the hood;

(F) a door allowing entrance to or egress from the passenger compartment of the vehicle;

(G) the front or rear bumper;

(H) the right or left quarter panel;

(I) the deck lid, tailgate, or hatchback;

(J) the cargo box of a pickup truck;

(K) the cab of a truck; or

(L) the body of a passenger vehicle.

(7) "Nonrepairable motor vehicle" means a motor vehicle that is damaged or missing a major component part to the extent that the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor other than the costs of materials and labor for repainting the vehicle and excluding sales taxes on the total cost of the repairs, is equal to or greater than an amount equal to 95 percent of the actual cash value of the vehicle in its predamaged condition.

(8) "Nonrepairable motor vehicle certificate of title" means a document issued by the department that evidences ownership of a nonrepairable motor vehicle.

(9) "Older model motor vehicle" means a motor vehicle that was

manufactured in a model year before the sixth preceding model year, including the current model year.

(10) "Other negotiable evidence of ownership" means a document other than a Texas certificate of title or a salvage certificate of title that relates to a motor vehicle that the department considers sufficient to support issuance of a Texas certificate of title for the vehicle.

(11) "Person" means an individual, firm, corporation, company, partnership, or other entity.

(12) "Rebuilder" means a person that acquires and repairs, for operation on public highways, five or more late model salvage motor vehicles in any 12-month period.

(13) "Salvage motor vehicle" means a motor vehicle that is damaged or missing a major component part to the extent that the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor, is equal to or greater than an amount equal to 75 percent of the actual cash value of the vehicle in its predamaged condition.

(14) "Salvage motor vehicle certificate of title" means any document issued by the department that evidences ownership of a salvage motor vehicle.

(15) "Salvage vehicle dealer" has the meaning assigned by Section 1.01, Article 6687-1a, Vernon's Texas Civil Statutes.

(b)(1) An insurance company that is licensed to conduct business in this state and that acquires ownership of a late model salvage motor vehicle through payment of a claim shall surrender a properly assigned certificate of title to the department, on a form prescribed by the department.

(2) For a vehicle described by Subsection (a)(13) of this section but not by Subsection (a)(7) of this section, the insurance company shall apply for a salvage motor vehicle certificate of title. For a vehicle described by Subsection (a)(7) of this section, the insurance company shall apply for a nonrepairable motor vehicle certificate of title.

(3) An insurance company may not sell a late model salvage motor vehicle to which this subsection applies unless the department has issued a salvage motor vehicle certificate of title or a nonrepairable motor vehicle certificate of title for the vehicle.

(4) An insurance company may sell a late model salvage motor vehicle to which this subsection applies, or assign a salvage motor vehicle certificate of title or a nonrepairable motor vehicle certificate of title for the vehicle, only to a salvage vehicle dealer. If the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor, is less than 75 percent of the actual cash value of the vehicle in its predamaged condition, the insurance company is not required to surrender the regular certificate of title for the vehicle or to be issued a salvage motor vehicle certificate of title or a nonrepairable motor vehicle certificate of title for the vehicle.

(5) If an insurance company acquires ownership of a motor vehicle other than a late model salvage motor vehicle through payment of a claim, the company shall, on delivery of the vehicle to a buyer of the vehicle, deliver the buyer a properly assigned certificate of title for the vehicle.

(6) This subsection does not apply to a vehicle that has been stolen and recovered and has no major component part removed, missing, damaged, or destroyed.

(c)(1) If after payment of a total loss claim on a late model salvage motor vehicle an insurance company does not acquire ownership of the vehicle, the insurance company shall submit to the department, before the 31st day after the date of the payment of the claim, on the form prescribed by the department, a report stating that:

(A) the insurance company has paid a total loss claim on the vehicle; and

(B) the insurance company has not acquired ownership of the vehicle.

(2) The owner of a late model salvage motor vehicle to which this subsection applies may not transfer ownership of the vehicle by sale or otherwise unless the department has issued a salvage motor vehicle certificate of title or a nonrepairable motor vehicle certificate of title for the vehicle.

(d)(1) A person that owns a late model salvage motor vehicle may not sell, transfer, or release the vehicle to a person other than a salvage vehicle dealer, the former owner of the vehicle, or a governmental entity, and shall deliver to that person a properly assigned certificate of title for the vehicle. If the assigned certificate of title is not a salvage motor vehicle certificate of title or a nonrepairable motor vehicle certificate of title, the salvage vehicle dealer shall, not later than the 10th day after the date the dealer receives the certificate of title from the owner:

(A) surrender the certificate of title to the department; and

(B) apply for a salvage motor vehicle certificate of title or a nonrepairable motor vehicle certificate of title for the vehicle, as appropriate.

(2) A salvage vehicle dealer that acquires ownership of a late model salvage motor vehicle or a nonrepairable motor vehicle for the purpose of dismantling, scrapping, or destroying the vehicle shall, before the 31st day after the date the dealer acquires the vehicle, submit to the department, on the form prescribed by the department, a report stating that the vehicle will be dismantled, scrapped, or destroyed, accompanied by a properly assigned regular certificate of title, salvage motor vehicle certificate of title, or nonrepairable motor vehicle certificate of title for the vehicle.

(3) On receipt of the report and the certificate of title, the department shall issue the salvage vehicle dealer a receipt for the certificate of title, salvage motor vehicle certificate of title, or nonrepairable motor vehicle certificate of title.

(e) A salvage vehicle dealer that acquires an older model vehicle for the purpose of dismantling, scrapping, or destroying the vehicle and that receives a properly assigned certificate of title for the vehicle shall, before the 31st day after the date the dealer acquires the vehicle:

(1) submit to the department, on the form prescribed by the department, a report stating that the vehicle will be dismantled, scrapped, or destroyed, accompanied by the properly assigned regular certificate of title, salvage motor vehicle certificate of title, or nonrepairable motor vehicle certificate of title for the vehicle; and

(2) keep on the business premises of the dealer, until the third anniversary of the date the report on the vehicle is submitted to the department, a record of the vehicle.

(f) A person, other than a salvage vehicle dealer or an insurance company licensed to do business in this state, that acquires ownership of a late model salvage motor vehicle shall, before selling the vehicle, surrender the properly assigned certificate of title for the vehicle to the department and:

(1) if the vehicle is a vehicle described by Subsection (a)(13) but not by Subsection (a)(7) of this section, apply to the department for a salvage motor vehicle certificate of title for the vehicle; or

(2) if the vehicle is a vehicle described by Subsection (a)(7) of this section, apply to the department for a nonrepairable motor vehicle certificate of title for the vehicle.

(g) The owner of a late model salvage motor vehicle that has been issued a salvage motor vehicle certificate of title or a nonrepairable motor vehicle certificate of title may sell the vehicle only to a salvage vehicle dealer in this state.

(h) An application for a salvage motor vehicle certificate of title or a nonrepairable motor vehicle certificate of title must:

(1) be made on a form prescribed by the department and accompanied by a fee established by the department, not to exceed an amount that is sufficient, when added to other fees collected under this Act, to recover the actual costs to the department of issuing the certificate; and

(2) include, in addition to any other information required by the department:

(A) the name and current address of the owner;

(B) a description of the vehicle, including the make, style of body, model year, and vehicle identification number;

(C) a description of the damage to the vehicle;

(D) the estimated cost of repairs to the vehicle, including parts and labor; and

(E) the predamaged actual cash value of the vehicle.

(i)(1) On receipt of a complete application and the prescribed application fee, the department shall, before the sixth business day after the date the department receives the application, issue the applicant a salvage motor vehicle certificate of title or a nonrepairable motor vehicle certificate of title, as appropriate.

(2) A nonrepairable motor vehicle certificate of title must state on its face that the vehicle:

(A) may not be issued a regular certificate of title or registered in this state; and

(B) may only be used for parts or scrap metal.

(j) A person who holds a salvage motor vehicle certificate of title is entitled to possess the vehicle, record a lien on the vehicle, transport the vehicle, and transfer ownership of the vehicle. A vehicle for which a salvage motor vehicle certificate of title is the most current title may not be operated on a public highway.

(k)(1) A vehicle for which a salvage motor vehicle certificate of title has been issued may be issued a regular certificate of title only after application and, in addition to any other requirement of law, only if the application:

(A) describes each major component part used to repair the vehicle and shows the identification number required by federal law to be affixed to or inscribed on the part; and

(B) is accompanied by a written statement signed by a specially trained commissioned officer of the Department of Public Safety certifying to the department that:

(i) the vehicle identification numbers and parts identification numbers are accurate;

(ii) the applicant has proof that the applicant owns the parts used to repair the vehicle; and

(iii) the vehicle may be safely operated and complies with all applicable motor vehicle safety standards of this state.

(2) The Department of Public Safety may prescribe a fee, in an amount not to exceed the actual cost to that department, for conducting an inspection and providing the written statement required by this subsection.

(l)(1) On receipt of a complete application under Subsection (k) of this section, accompanied by the peace officer's statement and the appropriate fee for the certificate of title, the department shall issue the applicant a certificate of title for the vehicle.

(2) A certificate of title issued under this subsection must:

(A) bear on its face the words "REBUILT SALVAGE"; and

(B) describe or disclose the vehicle's former condition in a manner understandable to a potential purchaser of the vehicle.

(m)(1) On proper application by the owner of a vehicle brought into this state from another state or jurisdiction that has on any certificate of title issued by the other state or jurisdiction a "rebuilt," "salvage," "nonrepairable," or analogous notation, the department shall issue the applicant a certificate of title or other appropriate document for the vehicle.

(2) A certificate of title or other appropriate document issued under this subsection must show on its face:

(A) the date of issuance;

(B) the name and address of the owner;

(C) any registration number assigned to the vehicle;

(D) a description of the vehicle as determined by the department; and

(E) any notation the department considers necessary or appropriate.

(n) A person who holds a nonrepairable motor vehicle certificate of title for a vehicle:

(1) is entitled to possess the vehicle, dismantle, scrap, or destroy the vehicle, transport the vehicle or parts of the vehicle, or rebuild the vehicle;

(2) may not operate or permit the operation of the vehicle on a public highway; and

(3) may transfer ownership of the vehicle only if affirmatively authorized by law to transfer ownership of a vehicle for which a nonrepairable motor vehicle certificate of title has been issued.

(o) Except as provided by Subsection (p) of this section, a person commits an offense if the person:

(1) applies to the department for a certificate of title for a motor vehicle; and

(2) knows that the vehicle is a nonrepairable motor vehicle that has been rebuilt.

(p)(1) A person who rebuilds a nonrepairable vehicle may apply to the department for a certificate of title for the vehicle if, in addition to any other requirement of law, the application:

(A) contains the information required by Subsection (k)(1)(A) of this section; and

(B) is accompanied by a written statement that complies with Subsection (k)(1)(B) of this section.

(2) The Department of Public Safety may prescribe a fee, in an amount not to exceed the actual cost to that department, for conducting an inspection and providing the written statement required by this subsection.

(3) On receipt of a complete application under this subsection, accompanied by the appropriate fee for the certificate of title, the department shall issue the applicant a certificate of title for the vehicle that conforms to Subsection (l)(2) of this section.

(q) For purposes of this section:

(1) the estimated cost of repair parts shall be determined by using a manual of repair costs or other instrument that is generally recognized and commonly used in the motor vehicle insurance industry to determine those costs or an estimate of the actual cost of the repair parts; and

(2) the estimated labor costs shall be computed by using the hourly rate and time allocations that are reasonable and commonly assessed in the repair industry in the community in which the repairs are performed.

(r) The department shall print salvage motor vehicle certificates of title and nonrepairable motor vehicle certificates of title in a color that distinguishes them from certificates of title and so that each document clearly shows that it is the ownership document for a late model salvage motor vehicle or a late model nonrepairable motor vehicle.

(s) A rebuilder must possess a certificate of title or salvage motor vehicle certificate of title for any motor vehicle that is:

(1) in the rebuilder's inventory; and

(2) being offered for resale.

(t) A person that rebuilds a late model salvage motor vehicle for which the department has issued a salvage motor vehicle certificate of title, or who assembles a late model salvage motor vehicle from component parts, may apply to the department for a certificate of title for the vehicle. A certificate of title issued by the department under this subsection must bear the words "REBUILT SALVAGE."

(u) The department, or an agent, officer, or employee of the department, is not liable to a person damaged or injured by an act or omission relating to the issuance of a certificate of title, salvage motor vehicle certificate of title, or nonrepairable motor vehicle certificate of title under this section.

(v)(1) Except as provided by Subdivision (2) of this subsection, this section does not apply to the purchase or acquisition of a motor vehicle by a person described by Subsection (g), Article 6687-2b, Revised Statutes, if the purchase or acquisition is not for the purpose of reuse or resale of the motor vehicle as a vehicle or as vehicle parts.

(2) A person described by Subsection (g), Article 6687-2b, Revised Statutes, who purchases or acquires a motor vehicle in connection with the

person's business shall, not later than the 60th day after the person receives the certificate of title for the vehicle or other negotiable evidence of ownership of the vehicle, surrender to the department, on a form prescribed by the department, that certificate of title or other negotiable evidence of ownership.

SECTION 2. Section 37, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), is repealed.

SECTION 3. This Act takes effect September 1, 1995, but only if H.B.2599, 74th Legislature, Regular Session, 1995, is enacted and becomes law. If H.B. No. 2599, 74th Legislature, Regular Session, 1995, does not become law, this Act has no effect.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 2

Representative Bosse offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 to **HB 2151** as follows:

1. On page 1, between lines 21 and 22, insert the following and renumber the subsequent definitions accordingly:

(3) "Casual sale" means the sale at auction of not more than one nonrepairable motor vehicle or late model salvage motor vehicle to the same person during a calendar year.

2. On page 2, strike line 4 and substitute the following:

(5) "Late model salvage motor vehicle" or "salvage motor vehicle" means a late

3. On page 2, strike line 26 and substitute the following:

(7) "Nonrepairable motor vehicle" means a late model motor

4. On page 3, line 4, after "cost of the repairs," insert "and excluding the cost of repairs to repair hail damage,"

5. On page 3, between lines 17 and 18, insert the following and renumber the subsequent definitions accordingly:

(11) "Out-of-state buyer" means a person licensed by another state or jurisdiction in an automotive business if the Texas Department of Transportation has listed the holders of such license as permitted purchasers of salvage motor vehicles or nonrepairable motor vehicles based on substantially similar licensing requirements and on whether salvage vehicle dealers licensed in Texas are permitted to purchase salvage motor vehicles or nonrepairable motor vehicle in the other state or jurisdiction.

6. On page 3, delete lines 23-27. On page 4, delete line 1 and renumber the subsequent definitions.

7. On page 4, line 12, strike "Subsection (a)(13)" and substitute "Subsection (a)(5)".

8. On page 4, strike line 22 and substitute the following: vehicle or a comparable ownership document has been issued by another state or jurisdiction for the vehicle.

9. On page 4, strike line 27 and substitute the following: dealer, an out-

of-state buyer, a buyer in a casual sale at auction or a person described by Subsection (g), Article 6687-2b, Revised Statutes. If the total estimated cost of repairs to rebuild or

10. On page 5, line 8, after "salvage motor vehicle" insert "or a nonrepairable motor vehicle".

11. On page 5, strike lines 13 and 14 and substitute the following: has been stolen and recovered unless the damage to the vehicle causes the vehicle to be a salvage motor vehicle or a nonrepairable motor vehicle.

12. On page 5, line 16, after "salvage motor vehicle" insert "or a nonrepairable motor vehicle".

13. On page 6, strike line 2 and substitute the following: vehicle certificate of title for the vehicle or a comparable ownership document has been issued by another state or jurisdiction for the vehicle.

14. On page 6, line 5, delete "or". On page 6, strike line 6 and substitute the following:

a governmental entity, an out-of-state buyer, a buyer in a casual sale at auction, or a person described by Subsection (g), Article 6687-2b, Revised Statutes, and shall deliver to that person a properly

15. On page 6, strike line 9 and substitute the following: title, a nonrepairable motor vehicle certificate of title, or a comparable ownership document issued by another state or jurisdiction, the

16. On page 6, line 10, strike "salvage vehicle dealer" and substitute "purchaser". On page 6, line 11, strike "dealer" and substitute "purchaser".

17. On page 6, line 25, delete "or". On page 6, strike line 26 and substitute the following:

certificate of title, or a comparable ownership document issued by another state or jurisdiction for the vehicle.

18. On page 7, line 3, delete "or". On page 7, strike line 4 and substitute the following:

title, or a comparable ownership document issued by another state or jurisdiction.

19. On page 7, line 14, delete "or". On page 7, strike line 15 and substitute the following:

title, or a comparable ownership document issued by another state or jurisdiction for the vehicle; and

20. On page 7, line 21, after "salvage motor vehicle" insert "or a nonrepairable motor vehicle which has not been issued a salvage motor vehicle certificate of title, a nonrepairable motor vehicle certificate of title, or a comparable ownership document issued by another state or jurisdiction"

21. On page 7, line 25, strike "Subsection (a)(13)" and substitute "Subsection (a)(5)".

22. On page 8, strike line 7 and substitute the following:

vehicle only to a salvage vehicle dealer in this state, an out-of-state buyer, a buyer in a casual sale at auction, or a person described by Subsection (g), Article 6687-2b, Revised Statutes.

23. On page 13, at the end of line 4, delete "late". On page 13, line 5, delete "model".

24. On page 13, line 6, strike "or" and substitute a comma. On page 13,

line 7, after "certificate of title" insert "a nonrepairable motor vehicle certificate or title, or a comparable ownership document issued by another state or jurisdiction".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Bosse offered the following amendment to Amendment No. 1:

Amend Amendment No. 2 by Bosse to **HB 2151** as follows: delete lines 23-27 on page 13 and lines 1-9 on page 14 of the amendment and insert the following on line 23:

(v)(1) This section does not apply to, and does not preclude or prohibit any sales to, purchases by, or other transactions by or with, a person described by Subsection (g), Article 6687-2b, Revised Statutes, except as provided by Subsection (v)(2) or (v)(3) of this section.

(2) A person described by Subsection (g), Article 6687-2b, Revised Statutes, shall submit to the department the certificate of title or equivalent document that the person receives in conjunction with the purchase of a motor vehicle not later than the 60th day after the date of receipt of the certificate of title or equivalent document.

(3) This section applies to a transaction with a person described by Subsection (g), Article 6687-2b, Revised Statutes, in which a motor vehicle is sold or delivered to the person for the purpose of reuse or resale as a motor vehicle or as motor vehicle parts if the motor vehicle is so used.

Amendment No. 3 was adopted without objection.

Amendment No. 4

On behalf of Representative Danburg, Representative Bosse offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Bosse to **CSHB 2151** by adding a appropriately numbered section to read as follows and renumbering subsequent sections of the bill accordingly:

SECTION _____. Section 62, Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 62. (a) Except as provided by Subsection (b) of this section, any [Any] person who shall violate any provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than One Dollar (\$1) nor more than One Hundred Dollars (\$100) for the first offense, and may, upon any subsequent conviction for a violation of the same provision, within the discretion of the jury, be given double the amount of punishment provided for a first violation.

(b) A person who violates Section 37A of this Act or a rule adopted under Section 37A of this Act commits a Class A misdemeanor.

Amendment No. 4 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

HB 2151, as amended, was passed to engrossment.

HB 2599 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2599**.

CSHB 2599, A bill to be entitled An Act relating to the licensing and regulation of certain persons dealing in salvage vehicles and parts; providing criminal penalties.

CSHB 2599 was read second time.

Amendment No. 1

Representative Kubiak offered the following amendment to **CSHB 2599**:

Amend **CSHB 2599** by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 1, Title 116, Revised Statutes, is amended by adding Article 6687-1a to read as follows:

Art. 6687-1a. SALVAGE VEHICLE DEALERS

PART 1. GENERAL PROVISIONS

Sec. 1.01. DEFINITIONS. In this article:

(1) "Actual cash value" means the market value of a motor vehicle as determined:

(A) from publications that are commonly used in the automotive and insurance industries to establish the value of motor vehicles;
or

(B) if the entity determining the value is an insurance company, by any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner.

(2) "Automobile recycler" means a person who engages in the business of dealing in salvage vehicles for the purpose of dismantling the vehicles to sell used parts and the resulting scrap metal or a person otherwise engaged in the business of acquiring, selling, or dealing in salvage parts. The term includes a dealer in used motor vehicle parts.

(3) "Commission" means the Texas Transportation Commission.

(4) "Department" means the Texas Department of Transportation.

(5) "Late model salvage vehicle" means a salvage vehicle that was manufactured during the preceding six years, including the current model year.

(6) "Major component part" means one of the following parts of a vehicle:

(A) the engine;

(B) the transmission;

(C) the frame;

(D) the right or left front fender;

(E) the hood;

(F) a door allowing entrance to or egress from the passenger compartment of the vehicle;

(G) the front or rear bumper;

(H) the right or left quarter panel;

(I) the deck lid, tailgate, or hatchback;

(J) the cargo box of a pickup truck;

(K) the cab of a truck; or

(L) the body of a passenger vehicle.

(7) "Motor vehicle" has the meaning assigned by the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

(8) "Nonrepairable vehicle" means:

(A) a vehicle that is damaged or missing a major component part to the extent that the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor other than the cost of materials and labor for repainting the vehicle but excluding sales taxes on the total cost of the repairs, is equal to or greater than an amount equal to 95 percent of the actual cash value of the vehicle in its predamaged condition; or

(B) a vehicle that comes into this state with a nonrepairable vehicle certificate of title or other comparable certificate of title.

(9) "Nonrepairable vehicle certificate of title" means any document issued by the department that evidences ownership of a nonrepairable vehicle.

(10) "Person" means an individual, partnership, corporation, trust, association, or other private legal entity.

(11) "Salvage part" means a major component part of a late model salvage vehicle that is serviceable to the extent that it can be reused.

(12) "Salvage vehicle" means:

(A) a motor vehicle with a major component part that is damaged or missing to the extent that the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor, is equal to or greater than an amount equal to 75 percent of the actual cash value of the vehicle in its predamaged condition; or

(B) a damaged vehicle that comes into this state under a salvage vehicle certificate of title or other comparable certificate of title.

(13) "Salvage vehicle agent" means a person employed by a licensed salvage vehicle dealer to acquire, sell, or otherwise deal in late model salvage vehicles or salvage parts in this state.

(14) "Salvage vehicle certificate of title" means any document issued by the department that evidences ownership of a salvage vehicle.

(15) "Salvage vehicle dealer" means a person who is engaged in this state in the business of acquiring, selling, or otherwise dealing in salvage vehicles or vehicle parts of a type required to be covered by a salvage vehicle certificate of title or nonrepairable vehicle certificate of title under a license issued by the department that allows the holder of the license to acquire, sell, dismantle, repair, or otherwise deal in salvage vehicles.

(16) "Salvage pool operator" means a person who engages in the business of selling nonrepairable vehicles or salvage vehicles at auction, including wholesale auction, or otherwise.

(17) "Salvage vehicle record" means the record of sales and purchases for each salvage vehicle handled by a salvage vehicle dealer.

Sec. 1.02. POWERS AND DUTIES OF COMMISSION. (a) The Texas Transportation Commission shall adopt rules as necessary to administer this article and may take other action as necessary to enforce this article.

(b) The commission shall set application fees, license fees, renewal fees, and other fees as required to implement this article. The commission shall set the fees in amounts reasonable and necessary to implement this article.

Sec. 1.03. DETERMINATION OF ESTIMATED COST OF REPAIR. (a) The estimated cost of repair parts shall be determined by using a manual of repair costs or other instrument that is generally recognized and commonly used in the motor vehicle insurance industry to determine those costs or an estimate of the actual cost of the repair parts.

(b) The estimated labor costs shall be computed by using the hourly rate and time allocations that are reasonable and commonly assessed in the repair industry in the community in which the repairs are performed.

PART 2. LICENSE REQUIREMENTS

Sec. 2.01. LICENSE REQUIRED; EXEMPTIONS. (a) A person may not act as an automobile recycler or salvage vehicle dealer, including storing or displaying vehicles as an agent or escrow agent of an insurance company, unless the person holds:

(1) a salvage vehicle dealer license issued under this article; or

(2) if the person does not reside in this state, an out-of-state salvage vehicle dealer license.

(b) A person may not act as a salvage vehicle agent unless the person holds a salvage vehicle agent license issued under this article.

(c) This article does not apply to an insurance company authorized to engage in the business of insurance in this state.

(d) This article does not apply to, and does not preclude or prohibit any sales to, purchases by, or other transactions by or with, a person described by Subsection (g), Article 6687-2b, Revised Statutes, except as provided by Subsection (e) or (f) of this section.

(e) A person described by Subsection (g), Article 6687-2b, Revised Statutes, shall submit to the department the certificate of title or equivalent document that the person receives in conjunction with the purchase of a motor vehicle not later than the 60th day after the date of receipt of the certificate of title or equivalent document.

(f) This article applies to a transaction with a person described by Subsection (g), Article 6687-2b, Revised Statutes, in which a motor vehicle is sold or delivered to the person for the purpose of reuse or resale as a motor vehicle or as motor vehicle parts if the motor vehicle is so used.

(g) Except as otherwise provided by this subsection, this article does not apply to a person who purchases a nonrepairable vehicle or salvage vehicle from a salvage pool operator in a casual sale. The commission shall adopt rules as necessary to regulate casual sales and to enforce this subsection. A salvage vehicle pool operator that sells a vehicle in a casual sale shall comply with each rule adopted by the commission regarding that sale. For purposes of this subsection, "casual sale" means the sale of not more than one nonrepairable vehicle or salvage vehicle to the same individual during a calendar year.

Sec. 2.02. LICENSE APPLICATION. (a) An applicant for a salvage vehicle dealer license must apply on a form prescribed by the department. The application form must be signed by the applicant and accompanied by the application fee. The application must include:

(1) the name, business address, and business telephone number of the applicant;

(2) the name under which the applicant will do business;

(3) the location, by number, street, and municipality, of each office from which the applicant will conduct business;

(4) a statement indicating whether the applicant has previously applied for a license under this article, the result of the previous application, and whether the applicant has ever been the holder of a license under this article that was revoked or suspended;

(5) a statement of the previous history, record, and associations of the applicant to the extent sufficient to establish, to the satisfaction of the department, the business reputation and character of the applicant;

(6) the applicant's federal tax identification number, if any;

(7) the applicant's state sales tax number; and

(8) other information as required by rules adopted under this article.

(b) A license may not be issued in a fictitious name that may be confused with or is similar to that of a governmental entity or that is otherwise deceptive or misleading to the public.

Sec. 2.03. ADDITIONAL REQUIREMENTS FOR CORPORATE OR PARTNERSHIP LICENSE. (a) If a salvage vehicle dealer license applicant intends to engage in business through a corporation, the license application must include, in addition to the information required under Section 2.02 of this article:

(1) the state of incorporation;

(2) the name, address, date of birth, and social security number of each of the principal officers and directors of the corporation;

(3) a statement of the previous history, record, and associations of each officer and director to the extent sufficient to establish, to the satisfaction of the department, the business reputation and character of the applicant; and

(4) a statement showing whether an employee, officer, or director has been refused a license as a salvage vehicle dealer or has been the holder of a license that was revoked or suspended.

(b) If the license applicant intends to engage in business through a partnership, the license application must include, in addition to the information required under Section 2.02 of this article:

(1) the name, address, date of birth, and social security number of each owner or partner;

(2) a statement of the previous history, record, and associations of each owner and partner to the extent sufficient to establish, to the satisfaction of the department, the business reputation and character of the applicant; and

(3) a statement showing whether a partner, owner, or employee has been refused a license as a salvage vehicle dealer or has been the holder of a license that was revoked or suspended.

Sec. 2.04. OUT-OF-STATE DEALER LICENSE. (a) An applicant for an out-of-state salvage vehicle dealer license must apply on a form prescribed by the department. The form must be signed by the applicant. The application requirements for an out-of-state salvage vehicle dealer license are the same as those imposed under Sections 2.02 and 2.03 of this article.

(b) An applicant for an out-of-state salvage vehicle dealer license must present evidence satisfactory to the department that the applicant holds any license required to acquire, sell, or otherwise deal in late model salvage

vehicles, salvage parts, or nonrepairable vehicles in the state in which the primary business of the license applicant is located.

Sec. 2.05. CLASSIFICATION OF LICENSE ENDORSEMENTS. (a) The department shall classify salvage vehicle dealers according to the type of activity performed by the dealers. A salvage vehicle dealer may not engage in activities of a particular classification as provided by this article unless the salvage vehicle dealer holds a license endorsement under that classification.

(b) An applicant may apply for a salvage vehicle dealer license with an endorsement in one or more of the following classifications:

- (1) new automobile dealer;
- (2) used automobile dealer;
- (3) used vehicle parts dealer;
- (4) salvage vehicle pool operator;
- (5) salvage vehicle broker; or
- (6) salvage vehicle rebuilder.

Sec. 2.06. INVESTIGATION. (a) The department may not grant a license under this article until the department completes an investigation of the applicant's qualifications under this article.

(b) The department shall conduct the investigation not later than the 15th day after the date on which the application is received by the department and shall report the results of the investigation to the applicant.

Sec. 2.07. LICENSE ISSUANCE. The department shall issue a license to an applicant who meets the license qualifications adopted under this article and pays the required fees.

Sec. 2.08. LICENSE RENEWAL. (a) A license issued under this article expires on the first anniversary of the date of issuance and may be renewed annually on or before the expiration date on payment of the required renewal fee.

(b) If a license holder fails to renew the license before its expiration date, the license holder may renew the license on payment of the renewal fee and a late fee set by the commission. If the license is not renewed before the first anniversary of the date on which the license expired, the license holder must apply for a new license in the same manner as an applicant for an initial license.

Sec. 2.09. REGISTRATION OF BUSINESS LOCATIONS. (a) A license applicant who intends to operate as a salvage vehicle dealer at more than one location must list in the application each location at which business is to be conducted.

(b) Before moving a place of business or opening an additional place of business, a salvage vehicle dealer must register the new location with the department.

PART 3. DUTIES OF LICENSE HOLDER

Sec. 3.01. CERTIFICATE OF TITLE. (a) If a salvage vehicle dealer acquires ownership of a late model salvage vehicle from an owner, the dealer must receive an assigned certificate of title. If the assigned certificate of title is not a salvage vehicle certificate of title or a nonrepairable vehicle certificate of title, the licensed salvage vehicle dealer shall, not later than the 10th day after the date of receipt of the title, surrender the assigned certificate of title to the department and apply for a salvage vehicle certificate of title or a nonrepairable vehicle certificate of title, as appropriate.

(b) If a late model salvage vehicle or nonrepairable vehicle is to be dismantled, scrapped, or destroyed, the salvage vehicle dealer shall surrender an assigned certificate of title, salvage vehicle certificate of title, or nonrepairable vehicle certificate of title to the department in the manner prescribed by the department not later than the 30th day after the date the vehicle is acquired and report to the department that the vehicle was dismantled, scrapped, or destroyed.

(c) If the holder of a salvage vehicle dealer license acquires ownership of an older model vehicle from an owner and receives an assigned certificate of title and the vehicle is to be dismantled, scrapped, or destroyed, the license holder shall surrender the assigned certificate of title to the department on a form prescribed by the department not later than the 30th day after the date on which the title is received and present evidence that the vehicle was dismantled, scrapped, or destroyed. The license holder shall keep a record of the vehicle.

Sec. 3.02. RECORDS. Each holder of a salvage vehicle dealer license shall maintain records of each salvage vehicle and any salvage parts purchased by the license holder and shall maintain sales records as required by this article.

Sec. 3.03. AUTHORIZED SALE. (a) A person may not sell, transfer, or release a late model salvage vehicle to anyone other than:

- (1) a governmental entity;
- (2) the vehicle's former owner; or
- (3) a licensed salvage vehicle dealer.

(b) A person may not sell, transfer, or release a late model nonrepairable vehicle to anyone other than:

- (1) a governmental entity;
- (2) the vehicle's former owner; or
- (3) a licensed salvage vehicle dealer who holds an endorsement as a salvage vehicle rebuilder or a used vehicle parts dealer.

Sec. 3.04. AGENTS. The holder of a salvage vehicle dealer license may authorize not more than five persons to operate as salvage vehicle agents under the dealer's license. An agent may acquire, sell, or otherwise deal in late model salvage vehicles, nonrepairable vehicles, or salvage parts as directed by the dealer. An agent authorized to operate under this section is entitled to a salvage vehicle agent license on application to the department and payment of the required fee.

PART 4. DISCIPLINARY ACTIONS AND PENALTIES

Sec. 4.01. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

(a) The department may deny, suspend, revoke, or reinstate a license issued under this article.

(b) The commission shall adopt rules establishing the grounds for the denial, suspension, revocation, or reinstatement of a license and establishing procedures for disciplinary actions.

(c) Proceedings relating to the denial, suspension, or revocation of a license issued under this article are subject to Chapter 2001, Government Code.

(d) A person whose license is revoked may not apply for a new license before the first anniversary of the date of the revocation.

Sec. 4.02. CRIMINAL PENALTY. (a) A person commits an offense if

the person acts as a salvage vehicle dealer without a salvage vehicle dealer license issued under this article.

(b) A person commits an offense if the person acts as a salvage vehicle agent without a salvage vehicle agent license issued under this article.

(c) An offense under this section is a Class A misdemeanor.

SECTION 2. Section 1, Chapter 506, Acts of the 57th Legislature, Regular Session, 1961 (Article 6687-2, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. SALVAGE VEHICLE DEALERS. (a) In this section:

(1) "Salvage vehicle [~~Motor vehicle salvage~~] dealer" has the meaning assigned by Article 6687-1a, Revised Statutes [~~means an individual, corporation, association, partnership, organization, or other entity engaged in the business of obtaining abandoned, wrecked, or junked motor vehicles or motor vehicle parts for scrap disposal, resale, repairing, rebuilding, demolition, or other form of salvage~~].

(2) "Component part" means the front end assembly or tail section of a motor vehicle, the cab of a truck (light or heavy), the bed of a one ton or lighter truck, an interior component part of a motor vehicle, a special accessory part, or a vehicle part that contains or should contain a federal safety sticker, motor number, serial number, manufacturer's permanent vehicle identification number, or a derivative of a vehicle identification number.

(3) "Front-end assembly" means the hood, right or left front fender, grill, bumper, radiator, or radiator support, if two or more such parts are assembled together as one unit.

(4) "Tail section" means the roof, floor pan, right or left rear quarter panel, deck lid, or rear bumper, if two or more of such parts are assembled together as one unit.

(5) "Federal safety sticker" means a sticker, label, or tag required by 49 U.S.C. Section 30115 [~~15 U.S.C. Section 1403~~] or rules adopted under that section.

(6) "Interior component part" means the front or rear seat or radio of a motor vehicle.

(7) "Special accessory part" means the tire, wheel, tailgate, or removable glass top of a motor vehicle.

(8) "Motor vehicle" has the meaning given by Subsection (b), Section 2, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

(b) A [~~motor vehicle~~] salvage vehicle dealer may not receive a motor vehicle [~~described in Subsection (a) of this section,~~] unless the dealer first obtains a certificate of authority, sales receipt, or transfer document under Sections 5.04 and 5.10, respectively, Article V, Section 1, Chapter 741, Acts of the 67th Legislature, Regular Session, 1981 (Article 4477-9a, Vernon's Texas Civil Statutes), or a Certificate of Title showing that there are no liens on the vehicle or that all recorded liens have been released. On receipt of a vehicle, a [~~motor vehicle~~] salvage vehicle dealer shall immediately remove any unexpired license plates from the motor vehicle and place them in a secure, locked place. An inventory list of such plates showing the license number, the make, the motor number, and the vehicle identification number of the motor

vehicle from which such plates were removed shall be maintained on forms to be furnished by the Texas [State] Department of [~~Highways and Public~~] Transportation. Upon demand the Certificate of Title or authority, the sales receipt, or transfer document, the license plates, and inventory lists shall be surrendered to the Texas [State] Department of [~~Highways and Public~~] Transportation for cancellation. It is further provided that all Certificates of Title covering such motor vehicles shall be surrendered to the Texas [State] Department of [~~Highways and Public~~] Transportation for cancellation. It shall thereafter be the duty of the Texas [State] Department of [~~Highways and Public~~] Transportation to furnish a signed receipt for the surrendered license plates and Certificates of Title.

(c) A [~~motor vehicle~~] salvage vehicle dealer shall keep an accurate and legible inventory of each used component part purchased by or delivered to him, as follows:

- (1) date of purchase or delivery;
- (2) name, age, address, sex, and driver's license number of the seller;
- (3) the license number of the motor vehicle used to deliver the used component part;
- (4) a complete description of the item purchased, including the type of material and, if applicable, the make, model, color, and size of the item; and
- (5) the vehicle identification number of the motor vehicle from which the used component part was removed.

(d) A [~~motor vehicle~~] salvage vehicle dealer is not required to keep records under Subsection (c) of this section of:

- (1) interior used component parts or special accessory parts on a motor vehicle more than 10 years of age; or
- (2) used component parts delivered by commercial freight lines or commercial carriers.

(e) In lieu of the requirements contained in Subsection (c) of this section, a [~~motor vehicle~~] salvage vehicle dealer may record the name of the dismantler that the motor vehicle or motor vehicle part is purchased from and the Texas Certificate of Inventory number.

(f) A [~~(e) An automobile~~] salvage vehicle dealer shall keep all records required to be kept by this article for one year after the date of sale or disposal of the item, and he shall allow an inspection of the records by a peace officer at any reasonable time. A peace officer may inspect the inventory on the premises of the [~~automobile~~] salvage vehicle dealer at any reasonable time in order to verify, check, or audit the records. A [~~An automobile~~] salvage vehicle dealer or an employee of the dealer shall allow and shall not interfere with a full and complete inspection by a peace officer of the inventory, premises, and inventory records of the dealer.

(g) [(f)] If a used component part does not have a vehicle identification number or the vehicle identification number has been removed or the vehicle identification number of the vehicle from which the used component part was removed is not available, a [~~motor vehicle~~] salvage vehicle dealer shall record the used component part or [~~component~~] parts on an affidavit bill of sale. The form of the affidavit bill of sale shall be prescribed and made available by the Texas [State] Department of [~~Highways and Public~~] Transportation.

(h) [~~(g)~~] A [~~motor vehicle~~] salvage vehicle dealer shall keep a record required to be kept by this section on a form prescribed by the Texas [State] Department of [~~Highways and Public~~] Transportation. The dealer shall maintain two copies of each record for one year after the date of sale or disposal of the item. On demand of a peace officer, the dealer shall give a copy of a record to the officer.

(i) [~~(h)~~] The Texas [State] Department of [~~Highways and Public~~] Transportation shall:

(1) prescribe the form to be used as required by Subsection (c) [~~(e)~~] of this section; and

(2) make the form available to [~~motor vehicle~~] salvage vehicle dealers.

(j) [~~(i)~~] A [~~motor vehicle~~] salvage vehicle dealer or an employee of the dealer shall allow an inspection of the dealer's required inventory records and affidavit bills of sale by a peace officer at any reasonable time. A peace officer may inspect the inventory on the premises of the dealer at any reasonable time in order to verify, check, or audit the records. The dealer or the employee shall allow and shall not interfere with a full and complete inspection by a peace officer of the inventory, premises, and required inventory records and affidavit bills of sale of the dealer.

(k) [~~(j)~~] A peace officer may seize, hold, and dispose of according to the Code of Criminal Procedure a motor vehicle or part thereof which has been stolen or which has been altered so as to remove, change, mutilate, or obliterate a permanent vehicle identification number, derivative number, motor number, serial number, or federal safety sticker.

(l) [~~(k)~~] Except as provided by Subsections (m) [~~(h)~~] and (o) [~~(n)~~] of this section, a person who fails to comply with any provision of this section or violates a provision of this section commits a Class A misdemeanor.

(m) [~~(l)~~] A person commits an offense if the person commits theft as defined by Section 31.03, Penal Code, and the person fails to comply with any provision of this section or violates a provision of this section in conjunction with the commission of the theft.

(n) [~~(m)~~] Except as provided by Subsection (o) [~~(n)~~] of this section, an offense under Subsection (m) [~~(h)~~] of this section is a Class A misdemeanor.

(o) [~~(n)~~] If it is shown on the trial of an offense under Subsection (m) [~~(h)~~] of this section that the defendant has previously been convicted of an offense under that subsection, the offense is punishable as a felony of the third degree.

SECTION 3. Article 6687-2a, Revised Statutes, is amended to read as follows:

Art. 6687-2a. INJUNCTION; [~~MOTOR VEHICLE~~] SALVAGE VEHICLE DEALERS. (a) If a [~~motor vehicle~~] salvage vehicle dealer or an employee of the dealer acting in the course of his employment is convicted of more than one offense under Section 1, Chapter 506, Acts of the 57th Legislature, Regular Session, 1961 (Article 6687-2, Vernon's Texas Civil Statutes), a district attorney of the county in which the dealer's salvage business is located may bring an action in the county to enjoin the dealer's business operations. The proceedings must be brought in the name of the state.

(b) If judgment is in favor of the petitioner, the court shall grant an injunction enjoining the dealer from maintaining or participating in the business

of a [~~motor vehicle~~] salvage vehicle dealer for a definite period of time or indefinitely, as determined by the court. The judgment must order that the place where the dealer's business is located be closed for the same period of time.

SECTION 4. Subsections (a) and (f), Article 6687-2b, Revised Statutes, are amended to read as follows:

(a) A [~~motor vehicle~~] salvage vehicle dealer may not operate heavy machinery in a motor vehicle salvage yard between the hours of 7 p.m. of one day and 7 a.m. of the following day.

(f) In this article, "[~~motor vehicle~~] salvage vehicle dealer" has the meaning assigned by Article 6687-1a, Revised Statutes [Section 1, Chapter 506, Acts of the 57th Legislature, Regular Session, 1961 (Article 6687-2, Vernon's Texas Civil Statutes), and its subsequent amendments].

SECTION 5. Subsection (b), Article 6687-2b, Revised Statutes, is repealed.

SECTION 6. A person is not required to hold a license under Article 6687-1a, Revised Statutes, as added by this Act, to operate as a salvage vehicle dealer until March 1, 1996.

SECTION 7. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1995.

(b) Sections 2.01 and 4.02, Article 6687-1a, Revised Statutes, as added by this Act, take effect March 1, 1996.

(c) The Texas Transportation Commission shall adopt rules for the regulation of salvage vehicle dealers in this state not later than December 1, 1995.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 2

Representative Kubiak offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Kubiak to **CSHB 2599** as follows:

(1) On page 5, line 14, strike the colon.

(2) On page 5, strike lines 15-18 and substitute the following:

"a salvage vehicle dealer license issued under this article."

(3) On page 8, strike lines 26-27 and on page 9, strike lines 1-10 and substitute the following:

"Sec. 2.04. LICENSE BY RECIPROCITY. (a) The department may issue a reciprocal license to an applicant for a salvage vehicle dealer license who is not a permanent resident of this state if the applicant:

(1) holds a license as a salvage vehicle dealer issued by another state that:

(A) the department determines to have license requirements substantially similar to those of this state; and

(B) grants analogous reciprocity to residents of this state; and

(2) pays the application fee required by Section 2.02(a) of this article.

(b) Each person who holds a reciprocal license shall comply with all laws,

rules, and regulations of this state applicable to salvage vehicle dealers, including the collection of state sales tax as appropriate for services performed under this article.

(c) The commissioner may enter into reciprocal agreements with the appropriate officials of any other state in order to implement this section."

(Speaker in the chair)

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Danburg offered the following amendment to Amendment No. 1:

Amend the proposed floor substitute to **CSHB 2599** as follows:

(1) On page 13, between lines 19 and 20, insert a new Subsection (c) to read as follows:

(c) A person commits an offense if the person violates a provision of this article, other than Subsection (a) or (b) of this section, or a rule adopted by the commission under this article.

(2) On page 13, line 20, strike "(c)" and substitute "(d)".

(3) On page 13, between lines 20 and 21, insert the following:

PART 5. EFFECT ON LOCAL REGULATION

Sec. 5.01. CUMULATIVE EFFECT; EFFECT ON MUNICIPAL LICENSES. (a) This article is cumulative of municipal ordinances relating to the regulation of persons who deal in salvage vehicles.

(b) This article does not prohibit, and may not be construed as prohibiting, the enforcement of a requirement of a municipal license or permit that is related to an activity regulated under this article.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Bosse offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 to **CSHB 2599** as follows:

1. On page 1, between lines 22 and 23, insert the following and renumber the subsequent definitions accordingly:

(3) "Casual sale" means the sale at auction of not more than one nonrepairable motor vehicle or late model salvage motor vehicle to the same person during a calendar year.

2. On page 2, between lines 2 and 3, insert the following and renumber the subsequent definitions accordingly:

(5) "Late model motor vehicle" means a motor vehicle that was manufactured during the preceding six model years, including the current model year.

3. On page 2, delete lines 3 through 5 and renumber the subsequent definitions accordingly.

4. On page 2, strike line 25 and substitute the following:

(A) a late model vehicle that is damaged or missing a major

5. On page 3, line 3, at the beginning of the line insert "and excluding the cost of repairs to repair hail damage.".

6. On page 3, between lines 10 and 11, insert the following and renumber the subsequent definitions accordingly:

(10) "Out-of-state buyer" means a person licensed by another state or jurisdiction in an automotive business if the department has listed the holders of such license as permitted purchasers of salvage motor vehicles or nonrepairable motor vehicles based on substantially similar licensing requirements and on whether salvage vehicle dealers licensed in Texas are permitted to purchase salvage motor vehicles or nonrepairable motor vehicle in the other state or jurisdiction.

7. On page 3, strike line 16 and substitute the following:

(12) "Salvage vehicle" or "late model salvage vehicle" means:

8. On page 3, line 17, insert "late model" between "a" and "motor vehicle".

9. On page 3, strike line 20 and substitute the following:
parts and labor, but excluding the cost of repairs to repair hail damage, is equal to or greater than an amount equal to 75

10. On page 5, strike line 18 and substitute the following:
out-of-state license qualifying the licensee as an out-of-state buyer

11. On page 8, delete lines 26 and 27. On page 9, delete lines 1 through 10 and renumber the subsequent sections accordingly.

12. On page 11, strike lines 6 and 7 and substitute the following:
certificate of title, a nonrepairable vehicle certificate of title, or comparable ownership document issued by another state or jurisdiction, the licensed salvage vehicle dealer shall, not later than

13. On page 11, line 15, delete "or". On page 11, line 16, after "title" insert ", or comparable ownership document issued by another state or jurisdiction."

14. On page 12, line 6, delete "(a)". On page 12, line 7, after "salvage vehicle" insert "or a nonrepairable motor vehicle". On page 12, strike lines 12-18.

15. On page 12, line 10, delete "or". On page 12, strike line 11 and insert the following:

(3) a licensed salvage vehicle dealer;

(4) an out-of-state buyer;

(5) a buyer in a casual sale at auction; or

(6) a person described by Subsection (g), Article 6687-2b, Revised

Statutes.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Yarbrough offered the following amendment to Amendment No. 1:

Amend Amendment No. ___ by Kubiak to **CSHB 2599**, on page 17, by striking lines 9 through 17 and substituting the following:

(g) [f] (1) Except as provided by Subdivision (3) of this subsection, a motor vehicle salvage dealer shall:

(A) assign a unique inventory number to each transaction in which the dealer purchases or takes delivery of one or more component parts;

(B) attach the unique inventory number to each component part the dealer obtains in the transaction; and

(C) retain each component part in its original condition on the business premises of the salvage dealer who originally purchased the part for at least three calendar days, excluding Sundays, after the date on which the dealer obtains the part.

(2) A unique inventory number attached to a component part as required by Subdivision (1) of this subsection may not be removed while the part remains in the inventory of the motor vehicle salvage dealer. If a component part does not have a vehicle identification number or the vehicle identification number has been removed or the vehicle identification number of the vehicle from which the component part was removed is not available, a motor vehicle salvage dealer shall record the component part or component parts on an affidavit bill of sale. The form of the affidavit bill of sale shall be prescribed and made available by the Texas [State] Department of [Highway and Public] Transportation.

(3) Subdivisions (1) and (2) of this subsection do not apply to the purchase by a motor vehicle salvage dealer of a nonoperable engine, transmission, or rear axle assembly from another motor vehicle salvage dealer or an automotive-related business.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Yarbrough offered the following amendment to Amendment No. 1:

Amend the proposed Amendment No. 1 by Kubiak to **CSHB 2599** as follows:

(1) On page 16, line 3, strike "him" and substitute "the dealer [him]".

(2) On page 16, line 6, between "seller" and the semicolon, insert "and a legible photocopy of the seller's driver's license".

(3) On page 16, line 22, strike "dismantler" and substitute "business [dismantler]".

(4) On page 16, line 24, between "number" and the period, insert "or federal taxpayer identification number".

Amendment No. 6 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

(Delisi now present)

CSHB 2599, as amended, was passed to engrossment.

HB 2443 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2443**.

CSHB 2443, A bill to be entitled An Act relating to the liability of contractors under a contract to improve real property.

CSHB 2443 was read second time and was passed to engrossment.

SB 688 ON SECOND READING
(Siebert - House Sponsor)

The speaker laid before the house, in lieu of **HB 1732**, on its second reading and passage to third reading,

SB 688, A bill to be entitled An Act relating to the use of reclaimed asphalt pavement.

The bill was read second time and was passed to third reading.

HB 1732 - LAID ON THE TABLE SUBJECT TO CALL

Representative Siebert moved to lay **HB 1732** on the table subject to call.

The motion prevailed without objection.

HB 809 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 809, A bill to be entitled An Act relating to the purposes for which funds received by local crime stoppers programs may be used.

The bill was read second time.

Amendment No. 1

Representative Williamson offered the following amendment to the bill:

Amend **HB 809** on Page 1 by striking lines 19-21 and substituting the following:

"section shall file a detailed report with the council [Texas Adult Probation Commission that accounts for all money received and expended under this section during the preceding year].

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Wohlgemuth offered the following amendment to the bill:

Amend **HB 809** by adding a new section to the bill after section 2 and renumbering subsequent sections accordingly:

SECTION 3. Sec. 414.0055. INSTALLATION OF CRIME STOPPERS SIGNS ON PUBLIC RIGHT-OF-WAY. (a) The council or a local crime stoppers program may install signs that inform the public of the functions of the council, promote crime stoppers programs, or relate to the public purposes of this chapter in the right-of-way of any public highway in this state.

(b) Before installing the sign, the council or the local crime stoppers program must notify the Texas Department of Transportation or the political subdivision of the state that has jurisdiction over the highway, as appropriate, of the proposed installation.

(c) If the department or the political subdivision determines that installation of the sign at the proposed location would create a significant safety hazard to users of the highway or other persons, or would substantially interfere with highway maintenance operations, the department or political subdivision may require that the sign be installed at an alternate site along the highway

designated by the department or political subdivision that is as near as practicable to the proposed site. The alternate site must maximize the visibility of the message on the sign.

(d) The council or the local crime stoppers program shall prepare the site for and install the sign in the manner required by written guidelines adopted by the Texas Department of Transportation or the political subdivision with jurisdiction over the highway, unless the department or the political subdivision, as appropriate, determines that the public interest would best be served if the department or the political subdivision prepared the site and installed the sign. If that determination is made, the site preparation and sign installation shall be without cost to the council or the local crime stoppers program.

(e) To the extent of any conflict, this section supersedes:

(1) any other state statute regulating the installation of signs in the right-of-way of the public highway; and

(2) the authority of the Texas Department of Transportation or the political subdivision to regulate the installation of signs in the right-of-way of a public highway.

Amendment No. 2 was adopted without objection.

HB 809, as amended, was passed to engrossment.

HB 740 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 740**.

CSHB 740, A bill to be entitled An Act relating to the sale by certain home-rule municipalities of land sold pursuant to foreclosure of an ad valorem tax lien.

CSHB 740 was read second time and was passed to engrossment.

HB 741 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 741**.

CSHB 741, A bill to be entitled An Act relating to the liability of certain municipalities for a claim arising from land acquired at a sale following the foreclosure of a lien held by the municipality.

CSHB 741 was read second time and was passed to engrossment.

HB 635 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 635, A bill to be entitled An Act relating to territory contained within the Jefferson County Water Control and Improvement District No. 10.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Combs, Representative R. Lewis offered the following committee amendment to the bill:

Amend **HB 635** on page 1, line 10, between "municipality" and the period, by inserting "unless the annexation is approved by a majority of the voters voting in a single election called and held jointly in the municipality and the District for that purpose".

Amendment No. 1 was adopted without objection.

HB 635, as amended, was passed to engrossment.

HB 2839 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2839**.

CSHB 2839, A bill to be entitled An Act relating to the borrowing powers of drainage districts.

CSHB 2839 was read second time and was passed to engrossment.

HB 3211 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 3211, A bill to be entitled An Act relating to the qualifications and terms of the port commissioners of the Port of Corpus Christi Authority of Nueces County.

The bill was read second time.

(Ogden now present)

Amendment No. 1

Representative Berlanga offered the following amendment to the bill:

Amend **HB 3211** on page 1, line 16, by striking "three" and substituting "four".

Amendment No. 1 was adopted without objection.

HB 3211, as amended, was passed to engrossment.

HB 2268 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2268, A bill to be entitled An Act relating to the adoption of the Texas Uniform Transfers to Minors Act.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Culberson, Representative Hilbert offered the following committee amendment to the bill:

Amend **HB 2268** as follows:

On page 8, lines 8 and 9, delete lines 8 and 9 and substitute in lieu thereof:
"(5) an interest in real property is conveyed by instrument recorded

in the real property records in the county in which the real property is located to the transferor, an adult other than the transferor, or a"

On page 11, line 2, after "manage," insert the words "sell, convey,"

On page 2, line 11, delete the words "a guardian,"

On page 5, line 11, after the word "Subsection" insert the words "(b) and" and after the word "a" insert the word "guardian,".

On page 5, line 16, delete the words "Subject to Subsection (c)," and substitute in lieu thereof: "With the approval of the court supervising the guardianship,"

On page 5, line 21, after the word "representative" insert the word "or" and after the word "trustee", delete the words "or guardian"

Amendment No. 1 was adopted without objection.

HB 2268, as amended, was passed to engrossment.

HB 2119 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2119, A bill to be entitled An Act relating to intermediate sanction facilities and the disposition of delinquent children.

The bill was read second time and was passed to engrossment.

HB 546 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 546**.

CSHB 546, A bill to be entitled An Act relating to the exclusion of unserved property from certain water conservation and reclamation districts.

CSHB 546 was read second time and was passed to engrossment.

HB 1537 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1537, A bill to be entitled An Act relating to the calculation of the effective tax rate for taxing units.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Marchant, Representative Craddick offered the following committee amendment to the bill:

Amends **HB 1537**:

Section 1, line 11 of page 1 delete "25.25" and substitute "25.25(d)"

Section 2, line 25 of page 1 delete "25.25" and substitute "25.25(d)"

Section 3, line 12 of page 2 delete "25.25" and substitute "25.25(d)"

Amendment No. 1 was adopted without objection.

HB 1537, as amended, was passed to engrossment.

HB 418 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 418, A bill to be entitled An Act relating to protection of the family.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Van de Putte, Representative Goodman offered the following committee amendment to the bill:

Amend **HB 418** as follows:

(1) On page 2, line 9, strike "temporary protective order" and replace it with the following: "a temporary order, including a protective order, on behalf of the Applicant under this Chapter,"

(2) On page 2, lines 11 through 12, strike "temporary protective order" and replace it with the following: "a temporary order, including a protective order, on behalf of the Applicant under this Chapter,"

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Thompson offered the following amendment to the bill:

Amend **HB 418** by adding the following new sections, appropriately numbered, to read as follows:

SECTION _____. Subchapter C, Chapter 3, Family Code, is amended by adding Section 3.522 to read as follows:

Sec. 3.522. PROTECTIVE ORDERS. (a) The petition in a suit for divorce or annulment must state whether a protective order under Chapter 71 or Section 3.581 is in effect or if an application for a protective order is pending with regard to the parties to the suit.

(b) The petitioner in a suit for divorce or annulment shall attach to the petition a copy of each protective order issued under Chapter 71 or Section 3.581 in which one of the parties to the suit was the applicant and the other party was the respondent without regard to the date on which the order was entered. If a copy of the protective order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.

SECTION _____. Section 3.581, Family Code, is amended to read as follows:

Sec. 3.581. PROTECTIVE ORDERS. ~~[(a)]~~ On the motion of any party to a suit for divorce or annulment or to declare a marriage void, the court may issue a protective order as provided by Section 71.06 ~~[Sections 71.10(a), 71.10(b), 71.10(c)(1) and (3), 71.11(b) and (c), 71.111, 71.14, and 71.16 of this code].~~

~~[(b) An order may be made under this section only after notice to the party alleged to have committed family violence and a hearing.~~

~~[(c) An order made under this section is valid for one year or the earliest of:~~

~~[(1) the end of a period of less than one year specified in the order by the court;~~

~~[(2) the date the order is vacated by the court; or~~

~~[(3) the date the suit is dismissed.~~

~~[(d) A spouse who has applied for a protective order under this section is entitled to a temporary ex parte order directed against the other spouse for the relief provided by and under the conditions established in Section 71.15 of this code.~~

~~[(e) The date of expiration of an order made under this section must appear on the order.~~

~~[(f) An order made under this section must be a separate document entitled "PROTECTIVE ORDER."]~~

SECTION _____. Sections 71.01(b)(2), (4), (5), and (6), Family Code, are amended to read as follows:

(2) "Family violence" means:

(A) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, ~~[or] assault, or sexual assault~~, or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, ~~[or] assault, or sexual assault~~ ~~[excluding the reasonable discipline of a child by a person having that duty]; or~~

(B) abuse, as that term is defined by Sections 34.012(1)(C), (E), and (G) of this code, by a member of a family or household toward a child of the family or household.

(4) ~~["Former member of a household" means a person who previously lived in a household.~~

~~[(5)] "Household" means a unit composed of persons living together in the same dwelling, whether or not they are related to each other.~~

(5) ~~[(6)] "Member of a household" includes a person who previously lived in [former member of] a household.~~

SECTION _____. Section 71.04(b), Family Code, is amended to read as follows:

(b) An application may be filed by:

(1) an adult member of a family or household for the protection of the applicant or for any other member of the family or household;

(2) any adult for the protection of a child member of a family or household; ~~[or]~~

(3) any prosecuting attorney who represents the state in a district or statutory county court in the county in which venue of the application is proper for the protection of any person alleged to be a victim of family violence; ~~or~~

(4) the Department of Protective and Regulatory Services for the protection of a member of a family or household.

SECTION _____. Chapter 71, Family Code, is amended by adding Section 71.041 to read as follows:

Sec. 71.041. FEES AND COSTS. (a) An applicant for a protective order may not be assessed a fee, cost, charge, or expense by a clerk of the court or another public official in connection with the filing, serving, or entering of the protective order. A fee may not be charged to an applicant to dismiss, modify, or withdraw a protective order.

(b) Except on a showing of indigency by the respondent, a court shall require in a protective order that the respondent against whom an order is rendered pay a protective order fee of \$16, standard fees charged by the clerk of the court as in a general civil proceeding for the cost of service of the order, costs of court, and all other fees, charges, or expenses incurred in connection with the protective order.

(c) A respondent who is ordered to pay costs who does not pay the costs before the 60th day after the date the order was rendered may be punished for contempt of court as provided by Section 21.002, Government Code.

(d) The court may assess a reasonable attorney's fee as compensation for the services of a private or prosecuting attorney or an attorney employed by the Department of Protective and Regulatory Services representing an applicant against the party who is found to have committed family violence. In setting the amount of the fee, the court shall consider the income and ability to pay of the person against whom the fee is assessed. The amount of fees collected under this subsection as compensation for the fees of a prosecuting attorney shall be paid to the credit of the county fund from which the salaries of employees of the prosecuting attorney are paid or supplemented. All other fees collected under this subsection shall be deposited in the general revenue fund to the credit of the Department of Protective and Regulatory Services.

SECTION _____. Sections 71.05(b)-(g), Family Code, are amended to read as follows:

~~(b) [If an application requests a protective order for a spouse and alleges that the other spouse has committed family violence, the application must state that no suit for the dissolution of the marriage of the spouses is pending.~~

~~(c) [If an applicant is a former spouse of an individual alleged to have committed family violence:~~

~~(1) a copy of the decree dissolving the marriage must be attached to the application; or~~

~~(2) the application must state that the decree is unavailable to the applicant and that a copy of the decree will be filed with the court before the hearing on the application.~~

~~(c) [(c)] If an application requests a protective order for a child who is subject to the continuing jurisdiction of a court under Subtitle A, Title 2, of this code or alleges that a child who is subject to the continuing jurisdiction of a court under Subtitle A, Title 2, of this code has committed family violence:~~

~~(1) a copy of the court orders affecting the conservatorship, possession, and support of or the access to the child must be filed with the application; or~~

~~(2) the application must state that the orders affecting the child are unavailable to the applicant and that a copy of the orders will be filed with the court before the hearing on the application.~~

~~(d) [(d)] If the application requests the issuance of a temporary ex parte order under Section 71.15 of this code, the application must:~~

~~(1) contain a detailed description of the facts and circumstances concerning the alleged family violence and the need for immediate protective orders; and~~

~~(2) be signed by each applicant under an oath that the facts and circumstances contained in the application are true to the best knowledge and belief of each applicant.~~

(e) [(f)] If an application requests a protective order and alleges that the respondent has violated a former protective order protecting the applicant by committing an act prohibited by the former order under Section 71.11(b) of this code and that the former protective order has expired since the alleged violation occurred, the application for the protective order must include:

(1) a copy of the former protective order attached to the application or a statement that the order is unavailable to the applicant and that a copy of the order will be filed with the court before the hearing on the application;

(2) a description of the violation of the former protective order; and

(3) a statement that the violation of the former order described in the application has not been grounds for any other order protecting the applicant that has been issued or requested under this section.

(f) [(g)] The procedural requirements relating to a protective order under this chapter, including the application under Section 71.04 of this code and service under Section 71.07 of this code, apply to a protective order under Subsection (e) [(f)] of this section.

SECTION _____. Section 71.08, Family Code, is amended to read as follows:

Sec. 71.08. ANSWER. A respondent [~~An individual~~] served with notice of an application for a protective order may but is not required to file a written answer to the application. The answer may be filed at any time before the hearing.

SECTION _____. Sections 71.09(b), (c), and (e), Family Code, are amended to read as follows:

(b) If a respondent [person] entitled to service of a notice of application for a protective order receives the service within 48 hours before the time set for the hearing, the court, on a request from the respondent [person], shall reschedule the hearing for a date not later than 14 days after the date set for the hearing. The respondent [person] is not entitled to additional service for the rescheduled hearing.

(c) If a hearing set under Subsection (a) of this section is not held because of the failure of a respondent [party] to receive service of a notice of application for a protective order, the applicant may request the court to reschedule the hearing. Except as provided by Subsection (d) of this section, the date for a rescheduled hearing under this subsection must be not later than 14 days after the date on which the request is made.

(e) A court may issue an order relating to an application for a protective order that is binding on a respondent [party] who does not attend a hearing under this section if the absent respondent [party] received notice of the application. This subsection applies to a respondent [party] who receives notice within 48 hours before the time set for a hearing if the respondent [party] does not request that the hearing be rescheduled.

SECTION _____. Sections 71.11(a), (b), and (f)-(j), Family Code, are amended to read as follows:

(a) In a protective order the court may:

(1) prohibit a party from:

(A) removing a child member of the family or household from the possession of a person named in the court order or from the jurisdiction of the court; or

(B) transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business;

(2) grant exclusive possession of a residence to a party and, if appropriate, direct one or more other parties to vacate the residence if:

(A) the residence is jointly owned or leased by the party receiving exclusive possession and by some other party denied possession;

(B) the residence is owned or leased by the party retaining possession; or

(C) the residence is owned or leased by the party denied possession but only if that party has an obligation to support the party granted possession of the residence or a child of the party granted possession;

(3) provide for possession of and access to a child of a party if the person receiving possession of or access to the child is a parent, as that term is defined by Section 11.01 of this code, of the child;

(4) require the payment of support for a party or for a child of a party if the person required to make the payment has an obligation to support the other party or the child;

(5) require one or more parties to counsel with a social worker, family service agency, physician, psychologist, licensed marriage and family therapist, or licensed professional counselor, or to complete a batterer's treatment program;

(6) award to a party use and possession of specified property that is community property or jointly owned or leased; or

(7) prohibit a party from doing specified acts or require the respondent [~~a party~~] to do specified acts necessary or appropriate to prevent or reduce the likelihood of family violence.

(b) In a protective order the court may prohibit a party from:

(1) committing family violence;

(2) communicating:

(A) directly with a member of the family or household in a threatening or harassing manner;

(B) a threat through any person to a member of the family or household; and

(C) on a finding of good cause, in any manner with a member of the family or household except through the party's attorney or a person appointed by the court;

(3) going to or near the residence or place of employment or business of a member of the family or household; ~~and~~

(4) going to or near the residence, child care facility, or school where a child protected under the order normally resides or attends; and

(5) engaging in conduct directed specifically toward a person who is a member of the family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass that person.

(f) [~~Except on a showing of indigency by a person against whom a protective order is directed, the order shall require that the person:~~

~~(1) pay the cost of service of the order, the actual costs of court, the costs incurred by the clerk not paid by the applicant pursuant to Section 71.07;~~

Family Code, and any other fees, charges, or expenses incurred in connection with the protective order; and

~~[(2) reimburse the applicant for any fees paid by the applicant under this chapter by paying that amount to the clerk of the court.~~

~~[(g) The clerk of a court who receives money according to a protective order from a person against whom the order is directed shall reimburse the applicant for any fees paid by the applicant under this chapter.~~

~~[(h) A person who is ordered to pay costs or reimburse an applicant under Subsection (f) of this section who does not pay the costs or reimburse the applicant before the 60th day after the date the order was rendered may be punished for contempt of court by a fine in an amount not to exceed \$500, or by confinement in jail for a term not to exceed six months, or both.~~

~~[(i) A respondent [party] for whom counseling or a batterer's treatment program is ordered under Subsection (a)(5) of this section and who does not provide to the court before the 60th day after the date the order was rendered an affidavit that the respondent [party] has started the counseling or the program or that the counseling or the program is not available within a reasonable distance of the respondent's [party's] residence may be punished for contempt of court as provided by Section 21.002, Government Code [by a fine in an amount not to exceed \$500, or by confinement in jail for a term not to exceed six months, or both]. The order shall specifically advise the respondent [party] of this requirement and the possible punishment for failure to comply.~~

~~[(j) Any interested person may contest an affidavit of indigency filed under Subsection (f) of this section.]~~

SECTION _____. Sections 71.12(c) and (d), Family Code, are amended to read as follows:

(c) If all or part of an agreement under Subsection (a) or (b) of this section is approved by the court, the part of the agreement approved shall be attached to the protective order and become a part of the order of the court.

~~(d) [If all or part of an agreement by the respondent under Subsection (b) of this section is approved by the court, the part of the agreement approved shall be attached to the protective order and become a part of the order of the court. The court may approve an agreement or part of an agreement under this subsection only if the agreement requires the respondent to do or refrain from doing an act under Section 71.11(b) of this code.]~~ The court may not approve an agreement or part of an agreement [under this subsection] that requires the applicant to do or refrain from doing an act under Section 71.11(b) of this code even if the applicant consents in the agreement to do or refrain from doing the act.

SECTION _____. Section 71.121, Family Code, is amended to read as follows:

Sec. 71.121. REQUEST BY RESPONDENT FOR PROTECTIVE ORDER.

(a) ~~[A court may not enter a single protective order that applies to both the respondent and the applicant unless the order embodies an agreement of the parties under Section 71.12(a) of this code.~~

~~[(b)]~~ To apply for a protective order against an applicant, a respondent must file a separate application under this chapter.

~~(b)~~ [(c)] A court may not delay a hearing on an applicant's application for

a protective order beyond the time provided by Section 71.09 of this code in order to consolidate it with a hearing on a subsequently filed ~~[respondent's]~~ application for a protective order ~~[against the applicant]~~.

(c) A court may not enter a protective order that requires both the respondent and the applicant to do or refrain from doing an act under Section 71.11(b).

(d) A protective order that requires the first applicant to do or refrain from doing an act under Section 71.11(b) shall include a finding that the first applicant has committed family violence and is likely to commit family violence in the future.

(e) A court that enters separate protective orders under this section that apply to both parties and require both parties to do or refrain from doing an act under Section 71.11(b) shall issue two distinct and independent protective orders that reflect the appropriate conditions for each of the parties.

(f) A court that enters protective orders under this section that apply to both the respondent and the applicant and that require the respondent to do or refrain from doing an act under Section 71.11(b) shall issue the protective orders in two separate documents. The court shall provide one of the documents to the applicant and the other to the respondent.

SECTION _____. Section 71.14, Family Code, is amended by adding Subsection (c) to read as follows:

(c) Notice of a motion to modify under this section is sufficient if delivery of the motion is attempted on the respondent's last known address by registered or certified mail as provided by Rule 21a, Texas Rules of Civil Procedure.

SECTION _____. Sections 71.15(h), (i), and (j), Family Code, are amended to read as follows:

(h) In order for an ex parte order excluding a person from the person's residence to be granted, the court must find from the required affidavit and testimony that:

(1) the applicant requesting the exclusion order either resides on the premises or has resided there within 30 days before the filing of the application;

(2) the person to be excluded has within the 30-day period preceding the filing of the application committed family violence against a member of the household; and

(3) there is a clear and present danger that the person to be excluded is likely to commit family violence against a member of the household ~~[in the foreseeable future]~~.

~~(i) [On the request of a person obtaining an order that excludes another person from the other person's residence, the court that granted the order may order the sheriff or chief of police to provide a law enforcement officer from the department of the sheriff or the chief of police:~~

~~[(1) to accompany the person obtaining the order to the residence covered by the order;~~

~~[(2) to protect the person obtaining the order while the person takes possession of the residence; and~~

~~[(3) if the person obtaining the order is unable to take possession of the residence because the person being excluded occupies the residence, to inform the person being excluded that the court has ordered the person excluded from the residence.~~

(f) The court may stop the hearing to contact the respondent by telephone and provide the respondent an opportunity to be present when the court resumes the hearing. Without regard to whether the respondent is able to be present at the hearing, the court shall resume the hearing before the end of the working day.

SECTION _____. Section 71.17, Family Code, is amended to read as follows:

Sec. 71.17. COPIES OF ORDERS. (a) A protective order made under this chapter shall be delivered to the respondent [~~person to whom the order applies in open court at the close of the hearing, or served by registered or certified mail,~~] in accordance with Rule 21a, Texas Rules of Civil Procedure, [~~or~~] served in the same manner as a writ of injunction, or served in open court at the close of the hearing as provided by Subsections (b)-(d).

(b) If the order is served in open court, the order shall be served as provided by this subsection. If the respondent is present at the hearing and the order has been reduced to writing, the judge or master shall sign the order and give a copy of the order to the respondent. A certified copy of the signed order shall be given to the applicant at the time the order is given to the respondent. If the applicant is not in court at the conclusion of the hearing, the clerk of the court shall mail a certified copy of the order to the applicant not later than the third business day after the date the hearing is concluded.

(c) If the respondent is present at the hearing but the order has not been reduced to writing, the judge or master shall give notice orally to the respondent of the part of the order that contains prohibitions under Section 71.11(b) or any other part of the order that contains provisions necessary to prevent further family violence. The clerk of the court shall mail a copy of the order to the respondent and a certified copy of the order to the applicant not later than the third business day after the date the hearing is concluded.

(d) If the respondent is not present at the hearing and the order has been reduced to writing at the conclusion of the hearing, the clerk of the court shall immediately provide a certified copy of the order to the applicant and mail a copy of the order to the respondent not later than the third business day after the date the hearing is concluded.

(e) [(b)] The clerk of the court issuing an original or modified protective order under this chapter shall send a copy of the order to the chief of police of the city where the member of the family or household protected by the order resides, if the person resides in a city, or to the sheriff of the county where the person resides, if the person does not reside in a city.

(f) [(e)] If a protective order made under this chapter prohibits a respondent [~~person~~] from going to or near a child care facility or school under Section 71.11(b) of this code, the clerk of the court [~~party requesting the order~~] shall send a copy of the order to the child care facility or school.

(g) [(d)] The clerk of a court vacating an original or modified protective order under this chapter shall notify the chief of police or sheriff who received a copy of the original or modified order that the order is vacated.

SECTION _____. Section 71.18, Family Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) On the request of an applicant obtaining a temporary order that

excludes the respondent from the respondent's residence, the court that granted the temporary order shall provide a written order to the sheriff or chief of police to provide a law enforcement officer from the department of the sheriff or chief of police:

(1) to accompany the applicant to the residence covered by the order;
(2) to inform the respondent that the court has ordered that the respondent be excluded from the residence;

(3) to protect the applicant while the applicant takes possession of the residence; and

(4) if the respondent refuses to vacate the residence, to protect the applicant while the applicant takes possession of the applicant's necessary personal property.

(d) On the request of an applicant obtaining a final order that excludes the respondent from the respondent's residence, the court that granted the final order shall provide a written order to the sheriff or chief of police to provide a law enforcement officer from the department of the sheriff or chief of police:

(1) to accompany the applicant to the residence covered by the order;
(2) to inform the respondent that the court has ordered that the respondent be excluded from the residence;

(3) to protect the applicant while the applicant takes possession of the residence and the respondent takes possession of the respondent's necessary personal property; and

(4) if the respondent refuses to vacate the residence:

(A) to remove the respondent from the residence; and

(B) to arrest the respondent for violating the court order.

SECTION _____. Section 118.131, Local Government Code, is amended by adding Subsection (i) to read as follows:

(i) The commissioners court may not assess an applicant a fee in connection with the filing, serving, or entering of a protective order. A fee may not be charged to an applicant to dismiss, modify, or withdraw a protective order.

SECTION _____. Section 51.303, Government Code, is amended by adding Subsection (f) to read as follows:

(f) In addition to the other powers and duties of this section, a district clerk shall accept applications for protective orders under Chapter 71, Family Code.

SECTION _____. Section 51.402, Government Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to the other powers and duties of this section, a county clerk that serves as the clerk for a court having jurisdiction of applications for protective orders under Chapter 71, Family Code, shall accept those applications.

SECTION _____. Subtitle E, Title 2, Human Resources Code, is amended by adding Chapter 54 to read as follows:

CHAPTER 54. PROTECTIVE ORDERS SOUGHT BY DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

Sec. 54.001. PROTECTIVE ORDERS. The Department of Protective and Regulatory Services shall adopt rules to provide procedures for the filing of protective orders for the protection of a member of a family or household as provided by Section 71.04, Family Code.

Sec. 54.002. NOTICE TO NONABUSIVE PARENT OR HOUSEHOLD MEMBER. The Department of Protective and Regulatory Services shall provide prior notice to a nonabusive parent or adult member of a household of the department's intent to file an application for a protective order for a child or older person and shall request the assistance of the person receiving the notice in developing a safety plan for household members and the child or older person for whom the order is sought. The department shall exercise reasonable safety precautions to protect the nonabusive parent or other members of the household while providing notice or requesting their assistance.

SECTION _____. Section 25.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, in violation of an order issued under Section 3.581, Section 71.11, or Section 71.12, Family Code, the person knowingly or intentionally:

(1) commits family violence;

(2) [~~directly~~] communicates;

(A) directly with a member of the family or household in a threatening or harassing manner;

(B) [~~communicates~~] a threat through any person to a member of the family or household;[;] and

(C) [~~if the order prohibits any communication with a member of the family or household, communicates~~] in any manner with the member of the family or household except through the person's attorney or a person appointed by the court, if the order prohibits any communication with a member of the family or household; [or]

(3) goes to or near any of the following places as specifically described in the protective order:

(A) the residence or place of employment or business of a member of the family or household; or

(B) any child care facility, residence, or school where a child protected by the protective order normally resides or attends; or

(4) engages in conduct directed specifically toward a person who is a member of the family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass that person.

SECTION _____. Article 5.04(c), Code of Criminal Procedure, is amended to read as follows:

(c) A written notice required by Subsection (b) of this article is sufficient if it is in substantially the following form with the required information in English and in Spanish inserted in the notice:

"NOTICE TO ADULT VICTIMS OF FAMILY VIOLENCE

"It is a crime for any person to cause you any physical injury or harm EVEN IF THAT PERSON IS A MEMBER OR FORMER MEMBER OF YOUR FAMILY OR HOUSEHOLD.

"Please tell the investigating peace officer:

"IF you, your child, or any other household resident has been injured; or

"IF you feel you are going to be in danger when the officer leaves or later.

"You have the right to:

"ASK the local prosecutor to file a criminal complaint against the person committing family violence; and

"APPLY to a court for an order to protect you (you should consult a legal aid office, a prosecuting attorney, or a private attorney). You cannot be charged a fee by a court in connection with filing, serving, or entering a protective order. For example, the court can enter an order that:

"(1) the abuser not commit further acts of violence;

"(2) the abuser not threaten, harass, or contact you at home;

"(3) directs the abuser to leave your household; and

"(4) establishes temporary custody of the children and directs the abuser not to interfere with the children or any property.

"A VIOLATION OF CERTAIN PROVISIONS OF COURT-ORDERED PROTECTION (such as (1) and (2) above) MAY BE A FELONY.

"CALL THE FOLLOWING VIOLENCE SHELTERS OR SOCIAL ORGANIZATIONS IF YOU NEED PROTECTION:

"_____."

SECTION _____. Sections 3.582, 3.583, 71.04(d), (e), and (f), 71.07(i), and 71.13(b) and (c), Family Code, are repealed.

SECTION _____. (a)

(b) The change in law made by Sections ____ through ____ of this Act applies only to an application for a protective order made on or after that date. An application for a protective order made before the effective date of this Act is governed by the law in effect at the time the application was made, and the former law is continued in effect for that purpose.

(c) The change in law made by Sections ____ through ____ of this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(d) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

Amendment No. 2 was adopted without objection.

HB 418, as amended, was passed to engrossment.

HB 336 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 336**.

CSSH 336, A bill to be entitled An Act relating to proceedings to prove certain informal marriages.

CSSH 336 was read second time and was passed to engrossment.

HB 843 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 843, A bill to be entitled An Act relating to the regulation of petroleum storage tanks.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Junell, Representative Alexander offered the following committee amendment to the bill:

Amend **HB 843** as follows:

(1) On page 1, between lines 3 and 4, add a new SECTION 1 to the bill to read as follows:

"SECTION 1. Section 26.346, Water Code, is amended by adding Subsection (e) to read as follows:

(e) The owner or operator of an underground or aboveground storage tank installed before December 1, 1995, that is required to be registered under this section and that has not been registered on or before December 31, 1995, is not eligible to receive reimbursement for that tank from the petroleum storage tank remediation fund. The owner or operator of an underground or aboveground storage tank installed on or after December 1, 1995, must register the tank under this section not later than the 30th day after the date the installation is completed to be eligible for reimbursement for the new tank."

(2) On page 1, line 4, strike "SECTION 1" and substitute "SECTION 2".

(3) On page 1, line 7, strike "The" and substitute "(a) Except as provided by Subsection (b), the".

(4) On page 1, between lines 10 and 11, add a new Subsection (b) to read as follows:

"(b) The commission may not consider, process, or pay a claim for reimbursement from the petroleum storage tank remediation fund for remediation work begun after September 1, 1993, and without prior commission approval until all claims for reimbursement for remediation work preapproved by the commission have been considered, processed, and paid."

(5) On page 1, line 11, strike "SECTION 2" and substitute "SECTION 3".

(6) On page 2, line 8, strike "The" and substitute "After the deposits have been made to the credit of the general revenue fund as required by Section 403.092(c)(1), Government Code, as added by Chapter 533, Acts of the 73rd Legislature, 1993, the [The]".

(7) On page 3, line 7, strike "SECTION 3" and substitute "SECTION 4".

(8) On page 3, strike lines 20 through 27 and substitute the following:

"(2) Notwithstanding other law, \$80 million of the fees collected under Section 26.3574, Water Code, shall be deposited to the credit of the general revenue fund not later than August 31, 1996, and \$40 million of those fees shall be deposited to the credit of that fund not later than May 31, 1997 [until the amount of the fee collections so deposited to the credit of the general revenue fund equals the amount of the temporary cash transfer authorized in Subdivision (†)]. The remaining fees [Fees] collected under that section in excess of the amounts [amount] required by this subdivision to be deposited to the credit of the general revenue fund shall be deposited to the"

(9) On page 4, between lines 9 and 10, add a new SECTION 5 to the bill to read as follows:

"SECTION 5. Subchapter I, Chapter 26, Water Code, is amended by adding Sections 26.360 and 26.361 to read as follows:

Sec. 26.360. PRIVATIZATION OF PROGRAM. Notwithstanding other provisions of this subchapter, the commission by rule may authorize the privatization of any part of the program established under this subchapter.

Sec. 26.361. EXPIRATION OF REIMBURSEMENT PROGRAM. Notwithstanding any other provision of this subchapter, the reimbursement program established under this subchapter expires September 1, 2001. On or after September 1, 2001, the commission may not use money from the petroleum storage tank remediation fund to reimburse an eligible owner or operator for any expenses of corrective action or to pay the claim of a person who has contracted with an eligible owner or operator to perform corrective action."

(10) On page 4, line 10, strike "SECTION 4" and substitute "SECTION 6".

(11) On page 4, line 11, strike "SECTION 5" and substitute "SECTION 7".

Amendment No. 1 was adopted without objection.

HB 843, as amended, was passed to engrossment.

HB 3032 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 3032, A bill to be entitled An Act relating to the regulation of petroleum storage tanks.

The bill was read second time and was passed to engrossment.

HB 2587 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 2587, A bill to be entitled An Act relating to the operation of certain aboveground and underground storage tanks and the regulation of underground storage tank installers; providing penalties.

The bill was read second time.

Amendment No. 1

Representative R. Lewis offered the following amendment to the bill:

Amend **HB 2587** (House Committee Report) as follows: Substitute for Proposed Subsection (i), Section 26.3573, Water Code

(i) The commission by rule may implement a registration program for persons who contract with an owner or operator of an underground storage tank or an aboveground storage tank, or with any other person, to perform corrective action under this subchapter. The commission may adopt minimum qualifications for a person with whom an eligible owner or operator [may] contract to participate in a corrective action and for persons who perform or supervise the corrective action. The commission may require [registration and] the use of registered contractors and registered corrective action supervisors by an eligible owner or operator as a prerequisite to the payment of [receiving] money from the petroleum storage tank remediation fund for corrective action under this subchapter. The commission by rule may establish a schedule of

fees to cover the costs of administering the registration program, including fees for the processing of applications, printing certificates, conducting examinations, and similar activities. Such fees shall not exceed the following amounts:

- (1) Corrective Action Specialist initial registration fee \$200;
- (2) Corrective Action Specialist annual registration renewal fee \$175;
- (3) Corrective Action Specialist late renewal fee \$25;
- (4) Corrective Action Specialist duplicate registration fee \$10;
- (5) Corrective Action Project Manager initial registration fee \$100;
- (6) Corrective Action Project Manager examination fee \$50;
- (7) Corrective Action Project Manager annual registration renewal fee \$75;
- (8) Corrective Action Project Manager duplicate registration fee \$10.

Fees collected under this subchapter shall be deposited in the state treasury to the credit of the storage tank account. A person who violates a rule or order adopted by the commission under this subsection is subject to the appropriate sanctions and penalties imposed under this chapter.

Amendment No. 1 was adopted without objection.

HB 2587, as amended, was passed to engrossment.

(Speaker pro tempore in the chair)

HB 1104 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1104**.

CSHB 1104, A bill to be entitled An Act relating to certain laws governing water districts and nonprofit water or sewer service corporations; creating penalties; granting authority to issue bonds; granting the power of eminent domain.

CSHB 1104 was read second time.

Representative Yost moved to postpone consideration of **CSHB 1104** until 10 a.m. Monday, May 8.

The motion prevailed without objection.

HB 1785 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1785**.

CSHB 1785, A bill to be entitled An Act relating to certain Parks and Wildlife Department admissions fees, license requirements, and exemptions.

CSHB 1785 was read second time and was passed to engrossment. (Delisi, Heflin, Horn, Rabuck, Ramsay, Reyna, Stiles, Talton, and Telford recorded voting no)

HB 2216 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2216**.

CSHB 2216, A bill to be entitled An Act relating to the issuance of licenses and stamps by the Parks and Wildlife Department; providing penalties.

CSHB 2216 was read second time and was passed to engrossment. (Ramsay, Stiles, and Telford recorded voting no)

HB 253 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 253, A bill to be entitled An Act relating to requiring that parole officers receive information on new parolees within 14 days after release.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Gray, Representative Alvarado offered the following committee amendment to the bill:

Amend **HB 253**, on page 1, line 13 - 16, by striking the sentence that begins "The pardons and paroles", and substituting the following: "The pardons and paroles division shall provide to the parole officer appointed to supervise the defendant a comprehensive summary of the information contained in the documents referenced in this section not later than the 14th day after the date of the defendant's release. The summary shall include a current photograph of the defendant and a complete set of the defendant's fingerprints. Upon written request from the county sheriff, the photograph and fingerprints shall be filed with the sheriff of the county to which the parolee is assigned if that county is not the county from which the parolee was sentenced"

Amendment No. 1 was adopted without objection.

HB 253, as amended, was passed to engrossment.

HB 2459 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2459**.

CSHB 2459, A bill to be entitled An Act relating to public funds investment.

CSHB 2459 was read second time.

Amendment No. 1

Representative Marchant offered the following amendment to **CSHB 2459**:

Amend **CSHB 2459** as follows:

(1) On page 19, between lines 16 and 17, insert the following:

Sec. 2256.0141. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

(2) On page 22, line 8, after the period, insert the following:
A purchase of securities may not be made at a price that exceeds the existing market value of the securities.

Amendment No. 1 was adopted without objection.

CSHB 2459, as amended, was passed to engrossment.

HB 796 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 796**.

CSHB 796, A bill to be entitled An Act relating to the regulation of air conditioning and refrigeration contractors; providing penalties.

CSHB 796 was read second time.

Amendment No. 1

Representative Carona offered the following amendment to **CSHB 796**:

Amend **CSHB 796** by striking all below the enacting clause and substituting the following:

SECTION 1. Sections 2(7) and (9), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), are amended to read as follows:

(7) "Air conditioning and refrigeration maintenance work" means repair work and all other work required for the continued normal performance of an environmental air conditioning system, commercial refrigeration system or equipment, or process cooling or heating system. The term does not include the installation of a total replacement of the system or the installation or repair of boilers or pressure vessels [~~that must be installed by licensed persons pursuant to rules and regulations adopted by the commissioner~~] under Chapter 755, Health and Safety Code.

(9) "Air conditioning and refrigeration contracting" means the design, installation, construction, maintenance, service, repair, alteration, or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems. The term includes cleaning equipment and duct materials as required for the proper operation of such a system.

SECTION 2. Section 3(e), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

(e) The commissioner shall prescribe the method and content of examinations administered under this Act and shall set compliance requirements for the examinations. The examinations [~~shall be offered only in Travis County and~~] shall be offered on a quarterly basis at locations designated by the commissioner.

SECTION 3. Section 3A, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended by adding Subsection (i) to read as follows:

(i) Section 8, Article 6252-33, Revised Statutes, does not apply to the advisory board.

SECTION 4. Section 3B, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3B. LICENSE REQUIRED; CITATION. (a) Unless the person is exempted under Section 6 of this Act, a person may not perform air conditioning and refrigeration contracting without a license under this Act.

(b) A representative of the department or a municipal official may issue a citation to a person who performs air conditioning and refrigeration contracting without a license issued under this Act. To the extent authorized by Chapter 29, Government Code, the municipal court has concurrent jurisdiction with a justice court of a precinct in which the municipality is located in a case arising from a citation issued under this subsection.

SECTION 5. The Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes) is amended by adding Section 3C to read as follows:

Sec. 3C. ENFORCEMENT OF CONTRACTS. (a) A person who performs air conditioning and refrigeration contracting without holding the appropriate license under this Act may not collect a fee or otherwise enforce a contract for the services performed. To enforce a contract for the performance of air conditioning and refrigeration contracting, the person who performs the services must present proof that the person holds a license under this Act at the time the contract is signed and the work performed.

(b) The commissioner shall adopt rules relating to the manner in which proof may be presented under this section.

SECTION 6. Sections 4(f) and (g), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), are amended to read as follows:

(f) The application must be made on a form prescribed by the commissioner and must specify the class of license and each endorsement the applicant seeks. The application must be verified and must be accompanied by:

- (1) ~~evidence of the insurance coverage required under this Act;~~
- ~~[(2)]~~ a statement of the applicant's practical experience; and
- (2) ~~[(3)]~~ the examination fee.

(g) The commissioner shall issue an air conditioning and refrigeration contractor license to an applicant who possesses the required qualifications, passes the appropriate examinations, furnishes evidence of the insurance coverage required under this Act, and pays the ~~[examination fee and the]~~ original license fee required by this Act. An applicant who fails an examination is eligible for reexamination.

SECTION 7. Section 7, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. REPORTING REQUIREMENT. (a) Each air conditioning and refrigeration contractor [person] licensed under this Act shall notify the municipal authority who has control of the enforcement of regulations relative to air conditioning and refrigeration contracting in the municipality in which the person is engaged in air conditioning and refrigeration contracting that the person has obtained a state license.

(b) The notification must be in the form required by the municipality.

(c) The amount of a fee imposed by a municipality on a contractor to provide notice under this section must be an amount reasonable and necessary to implement this section.

SECTION 8. Section 8, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8. PENALTY. Except as provided in Section 9, a person commits an offense if the person knowingly or intentionally engages in air conditioning and refrigeration contracting without a license issued under this Act. An offense under this section is a Class A [B] misdemeanor.

SECTION 9. Section 9, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. MUNICIPAL REGULATION. (a) A license issued by a municipality of this state that complies with the requirements of this section is valid under the terms of the license within that municipality. However, a license issued under this Act is valid throughout the state, and the holder and people under supervision are not required to hold a municipal license to practice air conditioning and refrigeration contracting in any municipality within this state.

(b) An applicant for a municipal license must:

(1) pass an examination that covers the same subjects as the examination required by the commissioner for an air conditioning and refrigeration contractor license of the class of work that the municipal applicant proposes to perform; and

(2) meet experience requirements that are at least as strict as those required under Section 4(e) of this Act for an air conditioning and refrigeration contractor license.

(c) A municipality may by ordinance adopt and enforce standards for air conditioning and refrigeration contractors that are consistent with the standards established under this Act. The municipality shall report violations of the ordinance to the commissioner not later than the 10th day after the date on which the municipality takes action to enforce the ordinance. Conviction of an offense under the municipal ordinance is a ground for the denial, suspension, or revocation of a license issued under this Act.

SECTION 10. Section 23(c), The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), is amended by adding Subdivision (4) to read as follows:

(4) In addition to the license requirements imposed under Subdivisions (1)-(3) of this subsection, a business entity that inspects an environmental air conditioning system, commercial refrigeration system, or process cooling or heating system as part of a real estate inspection conducted under this Act must employ a person who holds the appropriate air conditioning and refrigeration contractor licenses and endorsements under the Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes). An employee who does not hold a license or endorsement under the Air Conditioning and Refrigeration Contractor License Law (Article 8861,

Vernon's Texas Civil Statutes) may perform the inspection under the direction of the license holder. For purposes of this Act, "inspection" of environmental air conditioning, commercial refrigeration, and process cooling and heating equipment means an inspection that includes the use of electronic instruments, gauges, thermometers, mechanical instruments, or other meters that require direct in-line connection to the refrigerant system.

SECTION 11. Section 32.12(a), Education Code, is amended to read as follows:

(a) The following schools or educational institutions are specifically exempt from the provisions of this chapter and are not within the definition of "proprietary school":

(1) a school or educational institution supported by taxation from either a local or State source;

(2) nonprofit schools owned, controlled, operated, and conducted by bona fide religious, denominational, eleemosynary, or similar public institutions exempt from property taxation under the laws of this State, but such schools may choose to apply for a certificate of approval hereunder, and upon approval and issuance, shall be subject to the provisions of this chapter as determined by the administrator;

(3) a school or training program which offers instruction of purely avocational or recreational subjects as determined by the administrator;

(4) a course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student;

(5) a course or courses of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership;

(6) private colleges or universities which award a recognized baccalaureate, or higher degree, and which maintain and operate educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or State source;

(7) a school or course which is otherwise regulated and approved under and pursuant to any other law or rulemaking process of the State or approved for continuing education credit by an organization that accredits courses for the maintenance of a license, except as provided by Subsection (c) of this section;

(8) aviation schools or instructors approved by and under the supervision of the Federal Aviation Administration;

(9) a school which offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations, or medical college admissions tests;

(10) a private school offering primary or secondary education, which may include kindergarten or prekindergarten program, and which satisfies the compulsory attendance requirements of Section 21.032 of this code pursuant to Section 21.033(a)(1) of this code; ~~and~~

(11) a course or courses of instruction by bona fide electrical trade associations for the purpose of preparing students for electrical tests required

for licensing and for the purpose of providing continuing education to students for the renewal of electrical licenses; and

(12) a course or training program conducted by a nonprofit association of air conditioning and refrigeration contractors to provide instruction for technical, business, or license examination preparation programs relating to air conditioning and refrigeration contracting, as that term is defined by the Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes).

SECTION 12. Section 25, Residential Service Company Act (Article 6573b, Revised Statutes), is amended to read as follows:

Sec. 25. EXEMPTIONS. The provisions of this Act shall not apply to any of the following persons and transactions, and each and all of the following persons and transactions are hereby exempted from the provisions of this Act, to wit:

(a) performance guarantees given by either the builder of a home or the manufacturer or seller of an appliance or other system or component;

(b) any residential service contract executed on or before the effective date of this Act;

(c) any service contract, guarantee, or warranty intending to guarantee or warrant the repairs or service of a home appliance, system, or component, provided such service contract, guarantee, or warranty is issued by a person who has sold, serviced, repaired, or provided replacement of such appliance, system, or component at the time of, or prior to the issuance of such contract, guarantee, or warranty; and provided further that the person issuing the service contract, guarantee, or warranty does not engage in the business of a service company;

(d) any person engaging in the business of structural pest control in compliance with the Texas Structural Pest Control Act, as amended (Article 135b-6, Vernon's Texas Civil Statutes, 1925);

(e) any person who performs air conditioning and refrigeration contracting in compliance with the Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes); and

(f) any service or maintenance contract or agreement, or warranty, which provides for, warrants, or guarantees, the maintenance, repair, service, replacement, or operation or performance, of any product or part thereof, including but not limited to a structural component, the appliances, or the electrical, plumbing, heating, cooling or air-conditioning systems in or of a building or residence, provided such service or maintenance contract or agreement, or warranty is sold, offered for sale, or issued by the manufacturer or merchant who manufactured or sold such product or part thereof.

SECTION 13. (a) The change in law made to Section 8, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 14. (a) Except as provided by Subsection (b) of this section, the change in law made to Section 9, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), by this Act applies to a municipal license that is issued or renewed on or after the effective date of this Act. A municipality subject to that section shall adopt examination requirements in compliance with that section not later than January 1, 1996.

(b) To continue to engage in the practice of air conditioning and refrigeration contracting after September 1, 1995, a person who holds a municipal license on the effective date of this Act must satisfy the examination requirements imposed under Section 9(b), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), as amended by this Act, not later than June 1, 1996.

SECTION 15. (a) This Act takes effect September 1, 1995.

(b) Not later than December 31, 1995, the commissioner of licensing and regulation shall adopt rules as required by Section 3C, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), as added by this Act.

(c) Section 23(c), The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), as amended by this Act, applies only to a real estate inspection that is conducted on or after the effective date of this Act. A real estate inspection conducted before that date is governed by the law in effect on the date that the inspection occurs, and the former law is continued in effect for that purpose.

(d) Section 32.12(a), Education Code, as amended by this Act, applies only to a course or training program conducted by a nonprofit association of air conditioning and refrigeration contractors that is offered on or after the effective date of this Act. A course or training program offered before that date is governed by the law in effect on the date that the course or program is offered, and the former law is continued in effect for that purpose.

(e) Section 25, Residential Service Company Act (Article 6573b, Revised Statutes), as amended by this Act, applies only to a residential service contract that is entered into on or after the effective date of this Act. A residential service contract that is entered into before that date is governed by the law in effect on the date that the contract is entered into, and the former law is continued in effect for that purpose.

SECTION 16. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 2

Representative Yarbrough offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Carona to **CSHB 796** on page 8, line 22 after "contractors,", by adding "approved by the Air Conditioning and Refrigeration Contractors Advisory Board,"

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

CSHB 796, as amended, was passed to engrossment.

HB 2390 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 2390, A bill to be entitled An Act relating to the abolishment of the Texas High-Speed Rail Authority.

The bill was read second time.

Amendment No. 1

Representative Averitt offered the following amendment to the bill:

Amend **HB 2390** on page 1, line 17, by striking "General Services Commission" and substituting "Railroad Commission of Texas".

Amendment No. 1 was adopted without objection.

HB 2390, as amended, was passed to engrossment.

HB 2929 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2929**.

CSHB 2929, A bill to be entitled An Act relating to the safe operation of bicycles on roadways and to the consequences of certain offenses involving the operation of bicycles on roadways; creating an offense.

CSHB 2929 was read second time.

(Junell now present)

Amendment No. 1

Representative Hirschi offered the following amendment to **CSHB 2929**:

Amend **CSHB 2929** as follows:

On page 7, lines 3 and 4, restore the stricken language of subsection (d).

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Naishtat offered the following amendment to **CSHB 2929**:

Amend **CSHB 2929** as follows:

On page 2, line 17 change the word "five" to "fifteen"

Representative Black moved to table Amendment No. 2.

The motion to table was lost.

Amendment No. 2 was adopted without objection.

CSHB 2929, as amended, was passed to engrossment. (Carter, Heflin, and Rabuck recorded voting no)

SB 1196 ON SECOND READING
(Patterson - House Sponsor)

The chair laid before the house, in lieu of **HB 2892**, on its second reading and passage to third reading,

SB 1196, A bill to be entitled An Act relating to the boll weevil eradication program.

The bill was read second time.

Amendment No. 1

Representative Counts offered the following amendment to the bill:

Amend **SB 1196** by adding the following appropriately numbered sections to the bill and renumbering existing sections of the bill appropriately:

SECTION _____. Section 75.012, Agriculture Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) If a regulated herbicide is applied by a commercial applicator, the person in control of the crop or land to which the regulated herbicide is applied and the commercial applicator jointly are responsible for ensuring that the application is in compliance with this chapter and the rules adopted by the department, except as provided by Subsection (d).

(d) The person in control of the crop or land to which the regulated herbicide is applied is not responsible for damages resulting from the application or for ensuring that the application is in compliance with this chapter and the rules adopted by the department if:

(1) the regulated herbicide is applied under a local, state, or federal government program that requires the application of a regulated herbicide to the crop or land; and

(2) the person in control of the crop or land to which the regulated herbicide is applied does not control or have a right to control the time and manner of the application of the regulated herbicide to the crop or land.

SECTION _____. Subchapter H, Chapter 76, Agriculture Code, is amended by adding Section 76.185 to read as follows:

Sec. 76.185. DAMAGES RESULTING FROM APPLICATION OF PESTICIDE UNDER GOVERNMENT PROGRAM. Notwithstanding other law, the owner or lessee of land on which a pesticide is applied is not responsible for damages resulting from the application of the pesticide or subject to a criminal or civil penalty in connection with the application of the pesticide if:

(1) the pesticide is applied under a local, state, or federal government program that requires the application of the pesticide to the land; and

(2) the owner or lessee of the land on which the pesticide is applied does not control or have a right to control the time and manner of the application of the pesticide to the land.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Walker offered the following amendment to the bill:

Amend **SB 1196** as follows:

Adding a new SECTION 1 and renumbering remaining sections of the bill. Section 74.101, Agriculture Code is amended by amending Subdivision (3)(c) to read as follows:

(3)(c) The creation and use of a boll weevil eradication foundation as a vehicle to provide for assessments and governing boards and to establish eradication zones in order to suppress and eradicate boll weevils and other cotton pests are consistent with the goals and uses of revenue established under Article XVI, Section 68, of the Texas Constitution.

~~SECTION 1~~ SECTION 2. Section 74.102, Agriculture Code is amended by amending Subdivisions (6), (7), (10), (11), and (13), and adding (15) to read as follows:

(6) "Eradication" means elimination of boll weevils or pink bollworms to the extent that the commissioner does not consider further elimination of boll weevils or pink bollworms necessary to prevent economic loss to cotton growers.

(7) "Eradication zone" means a geographic area in which cotton growers by referendum approve their participation in a boll weevil or pink bollworm eradication program.

(10) "Host" means a plant or plant product in which the boll weevil or pink bollworm is capable of completing any portion of its life cycle.

(11) "Infested" means the present of the boll weevil or pink bollworm in any life stage or the existence of generally accepted entomological evidence from which it may be concluded with reasonable certainty that the boll weevil or pink bollworm is present.

(13) "Regulated article" means an article carrying or capable of carrying the boll weevil or pink bollworm including cotton plants, seed cotton, gin trash, other hosts or mechanical cotton harvesters.

(15) "The Pink Bollworm Eradication Zone" includes Reeves and Pecos counties.

SECTION 3. Section 74.105, Agriculture Code is amended by amending Subdivision (a), (c)(1) and (c)(4) to read as follows:

(a) The organization certified under Section 74.104 of this code or the foundation shall conduct a referendum in each proposed eradication zone to determine whether cotton growers desire to establish an official boll weevil or pink bollworm eradication zone.

(c)(1) a statement of the purpose of the boll weevil or pink bollworm eradication program;

(c)(4) an address and toll-free telephone number that a cotton grower may use to request more information about the referendum or the boll weevil or pink bollworm eradication program.

~~SECTION 2.~~ SECTION 4.

~~SECTION 3.~~ SECTION 5.

~~SECTION 4.~~ SECTION 6.

~~SECTION 5.~~ SECTION 7.

SECTION 8. Section 74.112, Agriculture Code is amended by amending Subdivision (a) and (b) to read as follows:

(a) On the determination by the foundation that the boll weevil

eradication program has been completed in all eradication zones established under the subchapter for boll weevil control, and the pink bollworm eradication program has been completed in any eradication zone established under this chapter for pink bollworm control, the foundation shall provide notice of such completion to the commissioner along with a request for discontinuance of the eradication program and collection of the assessment. Any such request shall include documentation supporting the eradication of the boll weevil in all eradication zones established for boll weevil eradication or pink bollworm in any eradication zone established for pink bollworm eradication and a plan for discontinuance of the program and assessment.

(b) The commissioner shall determine whether or not the further elimination of the boll weevil or pink bollworm is necessary in the eradication zones and approve or disapprove discontinuance of the foundation and the plan for dissolution.

SECTION 9. Section 74.114, Agriculture Code is amended by amending Subdivision (i) to read as follows:

(i) A public hearing regarding the proposed eradication plan, including regulations to be promulgated by the commissioner, shall be held in each of several locations within each boll weevil or pink bollworm eradication zone. The area posted for each hearing shall include no more than six contiguous counties.

SECTION 10. Section 74.115, Agriculture Code is amended by amending Subsection (b) to read as follows:

(b) A cotton grower who fails to pay all assessments and penalties before the 10th [31st] day after receiving notice of the delinquency shall destroy any cotton growing on the grower's acreage that is subject to the assessment. Cotton plants that are not destroyed are a public nuisance, and, on recommendation of the foundation, the department shall follow the procedures for destruction of host plants provided by Subchapter A and Subchapter B of this chapter, including procedures for reimbursement by the grower of costs required for destruction. The department may apply to a district court with jurisdiction in the county in which the public nuisance is located to have the nuisance condemned and destroyed. Injunctive relief available to the department under this subchapter is in addition to any other legal remedy available to the department. The department is not required to file a bond in a proceeding under this subsection.

~~[SECTION 9.]~~ SECTION 11.

SECTION 12. Section 74.117, Agriculture Code is amended to read as follows:

The department, the foundation, or a designated representative of either entity may enter cotton fields or other premises to carry out the purposes of this subchapter, ~~and~~ Subchapter A, and Subchapter B of this chapter, which include the treatment, monitoring, and destruction of growing cotton or other host plants. The department, the foundation, or a designated representative of either entity may inspect fields or premises in this state of the purpose of determining whether the property is infested with the boll weevil or the pink bollworm. An inspection must be conducted during reasonable daylight hours.

SECTION 13 Section 74.118, Agriculture Code is amended by amending Subdivision (b) to read as follows:

(b) The commissioner may adopt rules prohibiting the planting of noncommercial cotton in eradication zones and requiring that all growers of commercial cotton in an eradication zone participate in a boll weevil or pink bollworm eradication program that includes cost sharing as required by the rules.

SECTION 14. Section 74.120, Agriculture Code is amended by amending Subdivisions (a), (b)(1), (b)(4), and (c) to read as follows:

(a) The commissioner shall adopt rules to protect individuals, livestock, wildlife, and honey bee colonies on any premises in an eradication zone on which cotton plants are being grown that have been or are being treated to eradicate the boll weevil or pink bollworm.

(b)(1) establish a methodology for determining when boll weevil or pink bollworm population levels have reached economic significance;

(b)(4) establish methods for monitoring boll weevils, pink bollworms, and secondary pests;

(c) The foundation may adopt other reasonable rules it considers necessary to carry out the purposes of the subchapter, ~~and~~ Subchapter A, and Subchapter B of this chapter. All rules issued under this subchapter must be adopted and published in accordance with state requirements. Rules adopted by the foundation under this section shall be consistent with rules adopted by the commissioner under this subchapter.

SECTION 15. Section 74.122, Agriculture Code is amended to read as follows:

The department may adopt rules relating to quarantining areas of this state that are infested with the boll weevil or the pink bollworm. The rules must address the storage of regulated articles and the movement of regulated articles into and out of a quarantined area. The department may also adopt rules governing the movement of regulated articles from other states into this state if the articles are known to be infested with the boll weevil or the pink bollworm.

SECTION 16. Section 74.123, Agriculture Code is amended by amending Subdivision (1) to read as follows:

(1) a certificate that indicates that the article is not infested with the boll weevil or the pink bollworm.

SECTION 17. Section 74.124, Agriculture Code is amended by amending Subdivision (a) to read as follows:

(a) The foundation may carry out programs to destroy and eliminate the boll weevil and the pink bollworm in this state by cooperating through written agreements with:

SECTION 18. Section 74.125, Agriculture Code is amended by amending Subdivision (a)(3) to read as follows:

(3) in all events maintain the effectiveness of the boll weevil or pink bollworm eradication program administered under this subchapter.

~~[SECTION 12.]~~ SECTION 19.

~~[SECTION 13.]~~ SECTION 20.

~~[SECTION 14.]~~ SECTION 21.

~~[SECTION 15.]~~ SECTION 22.

Amendment No. 2 was adopted without objection.

SB 1196, as amended, was passed to third reading. (Danburg recorded voting no)

HB 2288 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2288**.

CSHB 2288, A bill to be entitled An Act relating to educational programs for medical students and physicians regarding pain management and treatment.

CSHB 2288 was read second time.

Representative Hirschi moved to postpone consideration of **CSHB 2288** until 10 a.m. Monday, May 8.

The motion prevailed without objection.

HB 2892 - LAID ON THE TABLE SUBJECT TO CALL

Representative Patterson moved to lay **HB 2892** on the table subject to call.

The motion prevailed without objection.

HB 1495 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1495**.

CSHB 1495, A bill to be entitled An Act relating to the right of certain persons to obtain information concerning a hearing for court-ordered mental health services.

CSHB 1495 was read second time.

Amendment No. 1

Representative Rodriguez offered the following amendment to **CSHB 1495**:

Amend **CSHB 1495** as follows:

(1) On page 1, line 24 insert "if such information is in the possession of the department" after "notice".

(2) On page 2, line 1 strike ", if the information is in the possession of the department,".

Amendment No. 1 was adopted without objection.

CSHB 1495, as amended, was passed to engrossment.

HB 1536 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1536**.

CSHB 1536, A bill to be entitled An Act relating to the beneficial use of material dredged from the Gulf Intracoastal Waterway.

CSHB 1536 was read second time.

Amendment No. 1

Representative R. Lewis offered the following amendment to **CSHB 1536**:

Amend **CSHB 1536** as follows:

(1) On page 2, strike lines 5-14 and substitute the following:

Sec. 6A. BENEFICIAL USE OF DREDGE MATERIAL. (a) The commission, through the department, may enter into an agreement with the Department of the Army to participate in the cost of a project to beneficially use material dredged from the Gulf Intracoastal Waterway.

(b) The commission by rule shall establish eligibility criteria for beneficial-use projects. Beneficial use of dredge material means any productive and positive use of dredge material and covers broad use categories ranging from fish and wildlife habitat development to human recreation and industrial and commercial uses.

(2) On page 2, line 18, strike "undertakes" and substitute "agrees to participate in the cost of".

(3) On page 3, line 2, strike "undertake" and substitute "agree to participate in the cost of".

Amendment No. 1 was adopted without objection.

CSHB 1536, as amended, was passed to engrossment.

HB 2525 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2525**.

CSHB 2525, A bill to be entitled An Act relating to the authority of certain hospital authorities to issue short-term obligations.

CSHB 2525 was read second time and was passed to engrossment.

HB 2468 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2468**.

CSHB 2468, A bill to be entitled An Act relating to the creation of an advisory committee for the Department of Protective and Regulatory Services on programs for promoting the adoption of and provision of services to adoptable African-American children.

CSHB 2468 was read second time and was passed to engrossment. (Heflin recorded voting no)

HB 1905 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1905**.

CSHB 1905, A bill to be entitled An Act relating to enforcement of a motor vehicle warranty.

CSHB 1905 was read second time.

Representative Combs moved to postpone consideration of **CSHB 1905** until 10 a.m. Wednesday, May 3.

The motion prevailed without objection.

HB 1111 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1111**.

CSHB 1111, A bill to be entitled An Act relating to the provision of protective services to persons who are elderly or disabled.

CSHB 1111 was read second time.

Representative Naishtat moved to postpone consideration of **CSHB 1111** until 10 a.m. Wednesday, May 3.

The motion prevailed without objection.

HB 2805 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2805**.

CSHB 2805, A bill to be entitled An Act relating to the appointment of a tenant member to the governing body of a municipal housing authority.

CSHB 2805 was read second time and was passed to engrossment.

HB 2365 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

HB 2365, A bill to be entitled An Act relating to county licenses for business establishments on public beaches.

The bill was read second time and was passed to engrossment.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Rodriguez moved to suspend all necessary rules to allow the Committee on Local and Consent Calendars to meet while the house is in session.

The motion prevailed without objection.

HB 1419 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1419**.

CSHB 1419, A bill to be entitled An Act relating to the issuance of a food and beverage certificate to certain holders of alcoholic beverage permits.

CSHB 1419 was read second time.

Amendment No. 1

Representative Yarbrough offered the following amendment to **CSHB 1419**:

Amend **CSHB 1419** as follows:

(1) On page 3, line 7, strike "Section 11.11", and substitute "Sections 11.11, 11.392, 11.612, and 109.57(e)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Wolens, Representative Yarbrough offered the following amendment to **CSHB 1419**:

Amend **CSHB 1419** as follows:

On page 3 beginning at line 9 insert as follows:

SECTION 3. Subchapter B, Chapter 11, Alcoholic Beverage Code, is amended by adding Section 11.392 to read as follows:

Sec. 11.392. NOTICE OF PRIVATE CLUB APPLICATION OR RENEWAL.

(a) The Commission shall give notice of an application for a permit or renewal of a permit issued under Chapter 32 or 33 to:

(1) the state senator and the state representative who represent the district in which the premises are located;

(2) the municipal governing body, if the premises are located in an incorporated area, and the commissioners court of the county in which the premises are located; and

(3) the chief of police of the municipality, if the premises are located in an incorporated area, and the sheriff of the county in which the premises are located.

(b) Notwithstanding Section 11.39(c) of this Chapter, the applicant for a private club permit renewal shall publish notice of the renewal application in a newspaper of general circulation in the accordance with the requirements of Section 11.39(a) and (b).

(c) Notices provided under this section must be given not later than:

(1) the fifth day after the date the application is filed; or

(2) the 31st day before the expiration date of a permit in the case of renewal.

(d) This section does not apply to a fraternal or veterans organization applying for a permit or a renewal of a permit.

SECTION 4. Section 11.61(d), Alcoholic Beverage Code, is amended to read as follows:

(d) The commission or administrator without a hearing may for investigative purposes summarily suspend a mixed beverage permit [~~,- a private club registration permit,~~] or a wine and beer retailer's permit for not more than seven days if the commission or administrator finds that a shooting, stabbing, or murder has occurred on the licensed premises which is likely to result in a subsequent act of violence. Notice of the order suspending the permit shall be given to the permittee personally within 24 hours of the time the violent act occurs. If the permittee cannot be located, notice shall be provided by posting a copy of the order on the front door of the licensed premises.

SECTION 5. Subchapter C, Chapter 11, Alcoholic Beverage Code, is amended by adding sections 11.612 and 11.613 to read as follows:

Sec. 11.612. CANCELLATION OF PRIVATE CLUB PERMIT.

(a) The commission or administrator may cancel an original or a renewal permit issued under Chapter 32 or 33 and may refuse to issue any new alcoholic beverage permit for the same premises for one year after the date of cancellation if:

(1) the chief of police of the municipality, if the premises are located in an incorporated area, or the sheriff of the county in which the premises are located has submitted a sworn statement to the commission stating specific allegations that the place or manner in which the permittee conducts its business endangers the general welfare, health, peace, morals, or safety of the community; and

(2) the commission or administrator finds, after notice and hearing within the county where the premises are located, that the place or manner in which the permittee conducts its business does in fact endanger the general welfare, health, peace, morals, or safety of the community.

(b) This section does not apply to a permit issued to a fraternal or veterans organization.

Sec. 11.613. SUMMARY SUSPENSION OF PRIVATE CLUB PERMIT. The commission or administrator without a hearing may for investigative purposes summarily suspend a permit issued under Chapter 32 or 33 for not more than seven days if the commission or administrator finds that a shooting, stabbing, or murder has occurred on the licensed premises that is likely to result in a subsequent act of violence. Notice of the order suspending the permit shall be given to the permittee personally within 72 hours of the time the violent act occurs. If the permittee cannot be located, notice shall be provided by posting a copy of the order on the front door of the licensed premises.

SECTION 6. Section 109.57, Alcoholic Beverage Code, is amended by adding Subsection (e) to read as follows:

(e) A municipality located in a county that has a population of 1.2 million or more and that is adjacent to a county with a population of more than 250,000 may regulate, in a manner not otherwise prohibited by law, the location of an establishment issued a permit under Chapter 32 or 33 if:

(1) the establishment derives 35 percent or more of the establishment's gross revenue from the on-premises sale or service of alcoholic beverages and the premises of the establishment are located in a dry area; and

(2) the permit is not issued to a fraternal or veterans organization.

Amendment No. 2 was adopted without objection.

CSHB 1419, as amended, was passed to engrossment.

HB 1275 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1275**.

CSHB 1275, A bill to be entitled An Act relating to apprehension specialists of the Texas Youth Commission as peace officers.

CSHB 1275 was read second time and was passed to engrossment.

HB 2065 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2065**.

CSHB 2065, A bill to be entitled An Act relating to enterprise zones.

CSHB 2065 was read second time.

Amendment No. 1

Representative Oliveira offered the following amendment to **CSHB 2065**:

Amend **CSHB 2065** as follows:

(1) On page 13, lines 21 through 25, strike subsection (b).

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Oliveira offered the following amendment to **CSHB 2065**:

Amend **CSHB 2065** as follows:

(1) On page 14, line 10, strike "by an enterprise project".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Oliveira offered the following amendment to **CSHB 2065**:

Amend **CSHB 2065** as follows:

(1) On page 23, line 2, insert a new SECTION 19 to read as follows:

SECTION 19. Chapter 2303, Government Code, is amended to read as follows:

Notwithstanding the other provisions of this Act, Section 5,6,7,8,9, and 10 of Chapter 231, Acts of the 73rd Legislature, Regular Session, 1993, shall continue in existence and be applicable to a qualified hotel project as defined by Chapter 231. A qualified hotel project shall continue to be eligible to receive tax refunds under Section 151.429(h), Tax Code, in accordance with the provisions of Chapter 231. A qualified hotel project may continue to be designated as a qualified business and an enterprise project in accordance with the provisions of chapter 231. Refunds to a qualified hotel project shall not affect the refunds which may be made under the provisions of Section 18 of this Act nor affect the number of enterprise projects that the department may approve.

(2) Renumber subsequent section accordingly.

Amendment No. 3 was adopted without objection.

Amendment No. 4

On behalf of Representatives Junell, Wolens, and Heflin, Representative Oliveira offered the following amendment to **CSHB 2065**:

Amend **CSHB 2065** by striking SECTIONS 10 and 11 of the bill and renumbering subsequent sections appropriately.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Yarbrough offered the following amendment to **CSHB 2065**:

Amend **CSHB 2065** by adding the following appropriately numbered section and renumbering subsequent sections appropriately:

SECTION____. This Act does not affect the validity of Section 5,6,7, or 8, Chapter 231, Acts of the 73rd Legislature, 1993, or any incorporation of those sections into the government Code or Tax Code by an enactment of the 74th Legislature, Regular Session, 1995, relating to nonsubstantive additions to and corrections of enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 73rd Legislature to other Acts of that legislature. For the purposes of any limit on the number of enterprise projects that the Texas Department of Commerce may designate, designation of a qualified hotel project is not included. For the purposes of the limit on refunds of taxes provided by Section 18 of this Act, a refund of taxes to a qualified hotel project is not included.

Amendment No. 5 was withdrawn.

CSHB 2065, as amended, was passed to engrossment.

HB 129 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 129**.

CSHB 129, A bill to be entitled An Act relating to medical savings accounts; providing a penalty.

CSHB 129 was read second time.

Amendment No. 1

Representative Shields offered the following amendment to **CSHB 129**:

Amend **CSHB 129** as follows:

- (1) On page 8, between lines 8 and 9, insert the following:
- (c) The Texas Department of Health may suspend or revoke, in the manner provided Section 241.053, Health and Safety Code, the license of a hospital that fails to comply with this section.
- (2) On page 8, line 9, strike "(c)" and substitute "(d)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Shields offered the following amendment to **CSHB 129**:

Amend **CSHB 129** on page 3, between lines 20 and 21, by inserting a new subsection, appropriately lettered, to read as follows:

() For purposes of Chapter 61, Labor Code, the term "wages," as defined by Section 61.001, Labor Code, includes a contribution required to be made by an employer to a medical savings account under this section or under an agreement between the employer and the employee.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Shields offered the following amendment to **CSHB 129**:

Amend **CSHB 129** as follows:

(1) Section 2, subsection (d), insert "and that does not provide a health plan as specified in Subsection (c) of this section," after "establishes a medical savings account program,".

(2) Section 2, after subsection (e), insert "(f) An employer that provides a health plan as specified in Subsection (c) of this section, shall make an annual contribution of at least \$250 to the account of each employee who is an account holder."

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Shields offered the following amendment to **CSHB 129**:

Amend **CSHB 129** as follows:

(1) Section 5, insert after subsection (d), "(e) When an employer provides a health plan as specified in Sec. 2(c), an employee may withdraw up to 90% of the balance in his or her account for any purpose other than a purpose described in subsection (a) of this section only on the last business day of the account administrator's business year."

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Shields offered the following amendment to **CSHB 129**:

Amend **CSHB 129** as follows:

(1) new Section 12, insert after Section 11, "SECTION 12. APPLICABILITY AND SCOPE. This Act applies only to any medical savings account program which is established on or after September 1, 1995."

(2) Section 12, strike "12" and insert "13".

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Shields offered the following amendment to **CSHB 129**:

Amend **CSHB 129** on page 3, between lines 20 and 21, by inserting a new subsection, appropriately lettered, to read as follows:

() For purposes of Chapter 61, Labor Code, the term "wages," as defined by Section 61.001, Labor Code, includes a contribution required to be made by an employer to a medical savings account under this section or under an agreement between the employer and the employee.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representatives Bailey and Solomons offered the following amendment to **CSHB 129**:

Amend **CSHB 129** on page 3, by adding after the period on line 3 the following:

An employer may not replace an existing health plan with an account under this Act.

Amendment No. 7 was withdrawn.

CSHB 129, as amended, was passed to engrossment.

(Speaker in the chair)

HB 594 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 594**.

CSHB 594, A bill to be entitled An Act relating to the punishment and sentencing of a defendant convicted of a repeat offense of sexual assault.

CSHB 594 was read second time.

Amendment No. 1

Representative Danburg offered the following amendment to **CSHB 594**:

Amend **CSHB 594** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. Section 5(a), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Subsection (d) of this section, when in the judge's opinion the best interest of society and the defendant will be served, the judge may, after receiving a plea of guilty or plea of nolo contendere, hearing the evidence, and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt, and place the defendant on community supervision. The judge shall inform the defendant orally or in writing of the possible consequences under Subsection (b) of this section of a violation of community supervision. If the information is provided orally, the judge must record and maintain the judge's statement to the defendant. In a felony case, the period of community supervision may not exceed 10 years. For a defendant charged with a felony under Section 21.11, 22.011, or 22.021, Penal Code, notwithstanding Section 3(b) of this article, the period of community supervision may not be less than five years. In a misdemeanor case, the period of community supervision may not exceed two years. A judge may increase the maximum period of community supervision in the manner provided by Section 22(c) of this article. The judge may impose a fine

Amendment No. 1 was adopted without objection.

CSHB 594, as amended, was passed to engrossment.

RESOLUTIONS CALENDAR

The speaker laid before the house the following resolutions on committee report:

By Holzheuser,

HCR 145, Establishing a program whereby loans are made to state agencies, local governments, counties, or special districts to finance alternative fuel projects.

The resolution was adopted without objection.

By Black,

HCR 160, Authorizing the lieutenant governor and speaker to create joint committees by mutual agreement.

The resolution was adopted without objection.

By Finnell, Gutierrez, Harris, Berlanga, Craddick, et al.,

HCR 127, Memorializing the Congress of the United States to permit states to establish a 65 mph speed limit on certain highways.

The resolution was adopted.

By Finnell, Gutierrez, Harris, Berlanga, Craddick, et al.,

HR 166, Urging the Texas congressional delegation to support efforts to authorize states to establish a 65 mph speed limit on certain highways.

The resolution was adopted.

HB 3235 - PERMISSION TO INTRODUCE

Representative Hightower moved to suspend the constitutional rule for permission to introduce and have placed on first reading **HB 3235**.

A record vote was requested.

The motion prevailed by (Record 276): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Bosse; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Naishtat; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Coleman.

Absent — Black; Brady; Moreno; Nixon; Smithee; Yarbrough.

RULES SUSPENDED

Representative Stiles moved to suspend all necessary rules to allow the Committee on Calendars to place third reading house bills before second reading senate bills on the Supplemental Calendar for Wednesday, May 3, 1995.

The motion prevailed without objection.

PROVIDING FOR LOCAL AND CONSENT BILLS AND RESOLUTIONS CALENDARS

Representative Rodriguez moved to set local and consent bills and resolutions calendars for 10 a.m. Friday, May 5, or after passage of **SB 1** to third reading, whichever occurs later.

The motion prevailed without objection.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Uher moved to set a congratulatory and memorial calendar for 10 a.m. Friday, May 5, or after passage of **SB 1** to third reading, whichever occurs later.

The motion prevailed without objection.

HR 734 - ADOPTED

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 734**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Swinford,

HR 734, In memory of Trooper Bobby Steve Booth.

The resolution was unanimously adopted by a rising vote.

HR 777 - ADOPTED

Representative McDonald moved to suspend all necessary rules to take up and consider at this time **HR 777**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By McDonald,

HR 777, Honoring Father Rick Walsh for his service to the church.

The resolution was adopted without objection.

RULES SUSPENDED

Representative Hightower moved to suspend the 5-day posting rule to allow the Committee on Corrections to consider **SB 243**.

The motion prevailed without objection.

Representative Telford moved to suspend the 5-day posting rule to allow the Committee on Pensions and Investments to consider **SB 1148**.

The motion prevailed without objection.

Representative Oakley moved to suspend the 5-day posting rule to allow the Committee on Public Safety to consider **HB 3127, SB 254, SB 1177, and HJR 69**.

The motion prevailed without objection.

Representative S. Turner moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **HB 3223 and HB 3233** and to finish the posted calendar from yesterday's meeting.

The motion prevailed without objection.

Representative Berlanga moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **HB 494, SB 929, SB 1190, SCR 88 and SCR 136**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry, on adjournment today, E2.014, Capitol Extension, to consider scheduled bills.

Pensions and Investments, on adjournment today, Desk 54, to consider **SB 1148**.

Criminal Jurisprudence, 8:30 a.m. Wednesday, May 3, E2.030, Capitol Extension.

Energy Resources, on adjournment today, Room 109, Reagan Building, to consider posted bills.

Civil Practices, on adjournment today, Desk 32.

Ways and Means, on adjournment today, Ways and Means committee room.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 275. I intended to vote no.

Reyna

When Record No. 275 was taken, I was in the house but away from my desk. I would have voted yes.

Hartnett

On May 1 when the vote on **SB 60** was taken, I voted yes and the vote did not register.

Rusling

ADJOURNMENT

Representative Bosse moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 7:56 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Agriculture and Livestock - **SB 1196**

Business and Industry - **HB 1313, HB 2464, HB 2553**

Civil Practices - **HB 505, HB 1362, HB 1878, HB 1881, HB 2085, HB 2330, HB 2975, SB 284, SB 341**

Corrections - **SB 48**

County Affairs - **HB 2034, HB 2432, HB 2573, SB 415, SB 717, SB 779, SB 1627**

Criminal Jurisprudence - **HB 179, SB 38, SB 440**

Elections - **HB 127, HB 262, HB 2239, HB 2241**

Environmental Regulation - **SB 1126**

Higher Education - **HB 2187**

Human Services - **HB 37**

Insurance - **HB 766, HB 1194, HB 2072, HB 2362, HB 2593, HB 2676, HB 2710, HB 2893, HB 2915, SB 391, SB 702, SB 1150**

Judicial Affairs - **HB 2483, HB 2818, HB 3073, HB 3121, HB 3197, HB 3214**

Juvenile Justice and Family Issues - **HB 433, HB 603, HB 1632**

Land and Resource Management - **HB 18, HB 228, HB 1976, HB 2480**

Licensing and Administrative Procedures - **HB 925**

Natural Resources - **HB 3189, SB 1016**

Public Education - **HB 334**

Public Health - **HB 2523**

State Affairs - **HB 6, HB 1355, HB 1369, HB 1846, HB 1923, HB 1924, HB 2032, SB 28, SB 32, HCR 128, SCR 27**

Transportation - **HB 2616, HB 3106, HB 3133, SB 981, SB 1139, SB 1154, SB 1420, SB 1445**

Urban Affairs - **HB 664, HB 1412, HB 1457, HB 2358, HB 2969, HB 3038, SB 892, SB 983, SB 1013, SB 1015, SB 1067, SB 1412, HCR 139**

Ways and Means - **HB 1201, HB 1358, HB 2596, HJR 72, HJR 106**

ENROLLED

May 2 - **HB 947, HCR 2, HCR 24, HCR 105, HCR 117, HCR 180,
HCR 183**

SENT TO THE GOVERNOR

May 2 - **HB 947, HCR 2, HCR 24, HCR 105, HCR 117, HCR 180,
HCR 183**

BLANK Page 1738